# The Journal OF THE House of Representatives

**Number 41** **Thursday, May 1, 2014**

The House was called to order by the Speaker at 10:30 a.m.

## Prayer

The following prayer was offered by Pastor Michael K. Anderson of New Jerusalem First Baptist Church of Pembroke Pines, upon invitation of Rep. Gibbons:

Dear Heavenly Father, in the spirit of our great Constitution and the strength of our democracy, we are gathered in this great hall of community service and public policy. It is with the clearest of mind and the sincerest of heart that we lift up this important business of our legislature. Be Thou present, O God, to bless the women and men of this house in swift and certain fashion. Bless each, I pray Thee, O Father, with the elusive gift of empathy. Caring beyond ourselves and creating policy that proves the courage to do so. Ours, as all states, are counties held together by cities, cities held together by neighborhoods, neighborhoods held together by families, and families held together by reasonable and robust expectations that our shared residence is firmly planted in a courageous and creative democracy, which remains far too great a dream to ask, imply, or require its citizens to manufacture a healthy allotment of fortuitous bricks being made without the benefit of straw. May we who grace these halls today fail not to exit these doors nor leave this place with a policy unwritten or bill passed which does not echo the words of the prophet Ezekiel as he is charged with the improbable task of bringing a fragmented nation, together. His grand words of empathy were simply: I sat where they sat. Ezekiel 3:15. I sat where they sat.

Grant that those words find their ways into our legislative fabric forever, plus one day. Bless these sacred souls who have been selected here today to see with the eyes of others, hear with the heart of others, attempt to walk, even if ever so briefly, in the temporary shoes of others. Grant this that binds, this we may learn the fullness of our demanding democracy. We may finally learn, through our emphatic souls, that we are now, nor are we ever, alone. That our hearts are attached to our homes, that our homes are attached to our neighborhoods, that our neighborhoods are attached to our cities, and as fabric spanning to our counties, our great state, our great nation, and the world. It is within these such halls, and in these such hearts, are such great things attempted, created, and attained.

Finally, Father, enlarge the governing sandbox today and allow the children to fare well together. Dare we strike the bullying different ones? Can we strike and have the courage to quit calling one another names? Dare we attempt to finger-paint together, knowing that a masterpiece may be the end and our award? Can we, dare we, risk messy aprons, knowing that those more like us, may very well accuse us, of making nice with the different ones? Or shall we continue on the path of proving ourselves stale, unthinking, and to coin a word, undifferent? This day I pray, we gather strength from Your grace. Connect our homes to our neighborhoods, our neighborhoods to our cities, our cities to our counties, and our counties to our state. And our time serving our state to a grand, new sandbox. May these hallowed hearts today be granted the grace to paint well, build smart, and play nice. Amen.

The following members were recorded present:

Session Vote Sequence: 851

Speaker Weatherford in the Chair.

Yeas—118

| | | | |
|---|---|---|---|
| Adkins | Edwards | Moskowitz | Rouson |
| Ahern | Eisnaugle | Murphy | Santiago |
| Albritton | Fitzenhagen | Nelson | Saunders |
| Antone | Fresen | Nuñez | Schenck |
| Artiles | Fullwood | Oliva | Schwartz |
| Baxley | Gaetz | O'Toole | Slosberg |
| Berman | Gibbons | Pafford | Smith |
| Beshears | Gonzalez | Passidomo | Spano |
| Bileca | Goodson | Patronis | Stafford |
| Boyd | Grant | Perry | Stark |
| Bracy | Hager | Peters | Steube |
| Brodeur | Harrell | Pigman | Stewart |
| Broxson | Hill | Pilon | Stone |
| Caldwell | Holder | Porter | Taylor |
| Campbell | Hooper | Powell | Thurston |
| Castor Dentel | Hudson | Pritchett | Tobia |
| Clarke-Reed | Hutson | Rader | Torres |
| Clelland | Ingram | Rangel | Trujillo |
| Coley | Jones, M. | Raschein | Van Zant |
| Combee | Jones, S. | Raulerson | Waldman |
| Corcoran | Kerner | Ray | Watson, B. |
| Crisafulli | La Rosa | Reed | Watson, C. |
| Cruz | Lee | Rehwinkel Vasilinda | Weatherford |
| Cummings | Magar | Renuart | Williams, A. |
| Danish | Mayfield | Richardson | Wood |
| Davis | McBurney | Roberson, K. | Workman |
| Diaz, J. | McGhee | Rodrigues, R. | Young |
| Diaz, M. | McKeel | Rodriguez, J. | Zimmermann |
| Dudley | Metz | Rogers | |
| Eagle | Moraitis | Rooney | |

Nays—None

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Alexis Poppell of Tallahassee at the invitation of the Speaker; Carina Richardson of Tallahassee at the invitation of Rep. A. Williams; Gabriela Santiago of Deltona at the invitation of Rep. Santiago; and Warren Stewart of Atlanta, Georgia at the invitation of the Speaker.

**House Physician**

The Speaker introduced Dr. Jason Pirozzolo of Winter Garden, who served in the Clinic today upon invitation of Rep. Corcoran.

## Correction of the *Journal*

The *Journal* of April 30, 2014, was corrected and approved as corrected.

## Messages from the Senate

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 755, with 2 amendments, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 755**—A bill to be entitled An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of taking such judicial notice to be filed within a specified period; providing that the term "family cases" has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30, 784.046, and 784.0485, F.S.; creating an exception to a prohibition against using evidence other than the verified pleading or affidavit in an ex parte hearing for a temporary injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking; providing an effective date.

(Amendment Bar Code: 202426)

**Senate Amendment 1 (with title amendment)**—Between lines 140 and 141
insert:

Section 3. Subsection (3) is added to section 454.021, Florida Statutes, to read:

454.021 Attorneys; admission to practice law; Supreme Court to govern and regulate.—

(3) Upon certification by the Florida Board of Bar Examiners that an applicant who is an unauthorized immigrant who was brought to this state as a minor and who has been a resident of this state for more than 10 years has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney at law authorized to practice in this state and may direct an order be entered upon the court's records to that effect.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 2 - 15
and insert:

An act relating to the courts; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of taking such judicial notice to be filed within a specified period; providing that the term "family cases" has the same meaning as provided in the Rules of Judicial Administration; amending s. 454.021, F.S.; authorizing the Supreme Court to admit a bar applicant who is an unauthorized immigrant under certain circumstances; amending ss. 741.30,

Representative Tobia offered the following:

(Amendment Bar Code: 571527)

**House Amendment 1 to Senate Amendment 1 (with title amendment)**—Remove lines 5-16 of the amendment

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**T I T L E A M E N D M E N T**

Remove lines 21-37 of the amendment and insert:

An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of taking such judicial notice to be filed within a specified period; providing that the term "family cases" has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30,

Rep. Tobia moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Steube offered the following:

(Amendment Bar Code: 517221)

**House Amendment 2 to Senate Amendment 1**—Remove lines 11-12 of the amendment and insert:

was brought to the United States as a minor; has been present in the United States for more than 10 years; has received documented employment authorization from the United States Citizenship and Immigration Services (USCIS); has been issued a social security number; if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all

Rep. Steube moved the adoption of **House Amendment 2 to Senate Amendment 1**, which was adopted.

REPRESENTATIVE HOOPER IN THE CHAIR

On motion by Rep. Steube, the House concurred in **Senate Amendment 1**, as amended.

(Amendment Bar Code: 535776)

**Senate Amendment 2**—Delete line 193
and insert:

Section 6. This act shall take effect upon becoming a law.

On motion by Rep. Steube, the House concurred in **Senate Amendment 2**.

The question recurred on the passage of **CS/CS/HB 755**. The vote was:

Session Vote Sequence: 852

Representative Hooper in the Chair.

Yeas—79

| | | | |
|---|---|---|---|
| Antone | Castor Dentel | Davis | Fullwood |
| Artiles | Clarke-Reed | Diaz, J. | Gibbons |
| Berman | Clelland | Diaz, M. | Gonzalez |
| Boyd | Coley | Dudley | Goodson |
| Bracy | Crisafulli | Edwards | Grant |
| Caldwell | Cruz | Fitzenhagen | Hager |
| Campbell | Danish | Fresen | Holder |

| | | | |
|---|---|---|---|
| Hooper | Oliva | Rodríguez, J. | Taylor |
| Jones, M. | Pafford | Rogers | Thurston |
| Jones, S. | Perry | Rouson | Torres |
| Kerner | Peters | Santiago | Trujillo |
| La Rosa | Powell | Saunders | Waldman |
| Lee | Pritchett | Schenck | Watson, B. |
| McGhee | Rader | Schwartz | Watson, C. |
| McKeel | Rangel | Slosberg | Weatherford |
| Moraitis | Raschein | Stafford | Williams, A. |
| Moskowitz | Raulerson | Stark | Workman |
| Murphy | Reed | Steube | Young |
| Nelson | Rehwinkel Vasilinda | Stewart | Zimmermann |
| Nuñez | Richardson | Stone | |

Nays—37

| | | | |
|---|---|---|---|
| Adkins | Cummings | Mayfield | Rodrigues, R. |
| Ahern | Eagle | McBurney | Rooney |
| Albritton | Eisnaugle | Metz | Smith |
| Baxley | Gaetz | O'Toole | Spano |
| Beshears | Harrell | Passidomo | Tobia |
| Bileca | Hill | Pilon | Van Zant |
| Brodeur | Hudson | Porter | Wood |
| Broxson | Hutson | Ray | |
| Combee | Ingram | Renuart | |
| Corcoran | Magar | Roberson, K. | |

Votes after roll call:
Yeas—Pigman

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 853].

### Remarks

The Speaker recognized Representative Gonzalez, who gave brief farewell remarks.

### Recessed

The House recessed at 11:52 a.m., to reconvene at 12:30 p.m., or upon call of the Chair.

### Reconvened

The House was called to order by the Speaker at 1:01 p.m. A quorum was present [Session Vote Sequence: 854].

### Remarks

The Speaker recognized Representative Holder, who gave brief farewell remarks.

## Messages from the Senate

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 375, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/HB 375**—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; providing that the absence of a countersignature does not affect the validity of a policy or contract; amending s. 627.94072, F.S.; authorizing the offer of a nonforfeiture benefit in the form of a return of premium under specified circumstances; providing an effective date.

(Amendment Bar Code: 481462)

**Senate Amendment 1 (with title amendment)**—Delete everything after the enacting clause
and insert:

Section 1. Section 400.996, Florida Statutes, is created to read:

400.996 Enforcement contracts.—The agency may contract with counties to enforce the Health Care Clinic Act and rules adopted thereunder for clinics that are required to be licensed under this part and that receive reimbursement for services under the Florida Motor Vehicle No-Fault Law. A contracting county must directly enforce the state law and not through enforcement of applicable locally adopted ordinances. A contracting county shall report alleged violations of the act or part II of chapter 408 to the agency with supporting documentation. The agency shall review the allegations and documentation and determine whether such violations have occurred for the purposes of s. 400.995 and chapter 120. The agency shall provide the county with the results of its initial review and its intended action within 10 business days after receiving the report. Thereafter, the agency shall provide notice to the county of any agency action regarding the alleged violations within 5 business days after such action.

Section 2. Paragraphs (b) and (c) of subsection (9) of section 440.49, Florida Statutes, are amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(b)~~1.~~ The Special Disability Trust Fund shall be maintained by annual assessments upon ~~the~~ insurance companies writing compensation insurance in this ~~the~~ state, ~~the~~ commercial self-insurers under ss. 624.462 and 624.4621, ~~the~~ assessable mutuals as defined in s. 628.6011, and ~~the~~ self-insurers under this chapter, which assessments ~~shall~~ become due and must be paid quarterly at the same time and in addition to the assessments provided under ~~in~~ s. 440.51.

1. Pursuant to this paragraph, the department shall ~~estimate~~ annually estimate in advance the amount necessary for the administration of this subsection and the maintenance of the ~~this~~ fund ~~and shall make such assessment in the manner hereinafter provided~~. By July 1 of each year, the department shall calculate the assessment rate, which must be based on the net premiums written by carriers and self-insurers, the amount of premiums calculated by the department for self-insured employers, the sum of the anticipated disbursements and expenses of the fund for the next calendar year, and the expected fund balance for the next calendar year. Such assessment rate shall take effect January 1 of the next calendar year. Such amount shall be prorated among insurance companies writing workers' compensation insurance in the state, self-insurers, and self-insured employers.

2. A reimbursement request that has been approved but remains unpaid as of June 30, 2014, must be paid by October 31, 2014. ~~The annual assessment shall be calculated to produce during the next calendar year an amount which, when combined with that part of the balance anticipated to be in the fund on December 31 of the current calendar year which is in excess of $100,000, is equal to the average of:~~

~~a. The sum of disbursements from the fund during the immediate past 3 calendar years, and~~

~~b. Two times the disbursements of the most recent calendar year.~~

~~c. Such assessment rate shall first apply on a calendar year basis for the period beginning January 1, 2012, and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1, 2012. The assessment rate effective January 1, 2011, shall also apply to the interim period from July 1, 2011, through December 31, 2011, and shall be included in workers' compensation rate filings, whether regular or amended, approved by the office which become effective on or after July 1, 2011. Thereafter, the annual assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.~~

~~Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.~~

~~3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the department for the Special Disability Trust Fund in accordance with such regulations as the department prescribes.~~

3.~~4.~~ The Chief Financial Officer is authorized to receive and shall credit to the ~~such Special Disability Trust~~ fund any ~~sum or~~ sums that may ~~at any time~~ be contributed to the state by the United States under an ~~any~~ Act of Congress, or otherwise, to which the state is ~~may be or become~~ entitled by reason of ~~any~~ payments made out of the ~~such~~ fund.

(c) Notwithstanding the ~~Special Disability Trust~~ fund assessment rate calculated pursuant to paragraph (b) ~~this section~~, the rate assessed may ~~shall~~ not exceed 2.5 ~~4.52~~ percent.

Section 3. Subsection (1) of section 624.425, Florida Statutes, is amended to read:

624.425 Agent countersignature required, property, casualty, surety insurance.—

(1) Except as stated in s. 624.426, no authorized property, casualty, or surety insurer shall assume direct liability as to a subject of insurance resident, located, or to be performed in this state unless the policy or contract of insurance is issued by or through, and is countersigned by, an agent who is regularly commissioned and licensed currently as an agent and appointed as an agent for the insurer under this code. However, the absence of a countersignature does not affect the validity of the policy or contract. If two or more authorized insurers issue a single policy of insurance against legal liability for loss or damage to person or property caused by a ~~the~~ nuclear energy hazard, or a single policy insuring against loss or damage to property by radioactive contamination, whether or not also insuring against one or more other perils that may be insured ~~proper to insure~~ against in this state, such policy if otherwise lawful may be countersigned on behalf of all of the insurers by a licensed and appointed agent of the ~~any~~ insurer appearing thereon. The producing agent shall receive on each policy or contract the full and usual commission allowed and paid by the insurer to its agents on business written or transacted by them for the insurer.

Section 4. Subsection (2) of section 627.902, Florida Statutes, is amended to read:

627.902 Premium financing by an insurer or subsidiary.—

(2) ~~Nothing in~~ This part or ~~in~~ part XV of this chapter does not disallow ~~disallows~~ or otherwise apply ~~applies~~ to:

(a) Installment payment arrangements offered by an insurer if such arrangements do not involve the advancement of funds which would constitute financing and do not exceed the service charges provided under s. 627.901; or

(b) A discount for an ~~any~~ insured who pays the entire premium for the entire policy term at the inception of the term if the discount is found to be actuarially justified by the office and approved by the office pursuant to ~~the provisions of~~ part I of this chapter. Such actuarially justified and approved discount may ~~shall~~ not be deemed a component of or related to premium financing.

Section 5. Subsection (2) of section 627.94072, Florida Statutes, is amended to read:

627.94072 Mandatory offers.—

(2) An insurer that offers a long-term care insurance policy, certificate, or rider in this state shall ~~must~~ offer a nonforfeiture protection provision providing reduced paid-up insurance, extended term, shortened benefit period, or ~~any~~ other benefit ~~benefits~~ approved by the office if all or part of a premium is not paid. A nonforfeiture provision may also be offered in the form of a return of premium on the death of the insured, or on the complete surrender or cancellation of the policy or contract. Nonforfeiture benefits and any additional premium for such benefits must be computed in an actuarially sound manner~~,~~ using a methodology that has been filed with and approved by the office.

Section 6. Section 629.271, Florida Statutes, is amended to read:

629.271 Distribution of savings.—

(1) A reciprocal insurer may ~~from time to time~~ return to its subscribers any unused premiums, savings, or credits accruing to their accounts. ~~Any~~ Such distribution may ~~shall~~ not unfairly discriminate between classes of risks, or policies, or between subscribers, but ~~such distribution~~ may vary as to classes of subscribers based on ~~upon~~ the experience of such classes.

(2) In addition to the option provided in subsection (1), a domestic reciprocal insurer may, upon the prior written approval of the office, pay to its subscribers a portion of unassigned funds of up to 10 percent of surplus with distribution limited to 50 percent of net income from the previous calendar year. Such distribution may not unfairly discriminate between classes of risks, or policies, or between subscribers, but may vary as to classes of subscribers based on the experience of such classes.

Section 7. Subsections (2) through (9) of section 631.54, Florida Statutes, are renumbered as subsections (3) through (10), respectively, and a new subsection (2) is added to that section to read:

631.54 Definitions.—As used in this part, the term:

(2) "Assessment year" means the 12-month period, which may begin on the first day of any calendar quarter, whether January 1, April 1, July 1, or October 1, as specified in an order issued by the office directing insurers to pay an assessment to the association. Upon entry of the order, insurers may begin collecting assessments from policyholders for the assessment year.

Section 8. Subsections (3) and (4) of section 631.57, Florida Statutes, are amended to read:

631.57 Powers and duties of the association.—

(3)(a) To the extent necessary to secure ~~the~~ funds for the respective accounts for the payment of covered claims, to pay the reasonable costs to administer such accounts ~~the same~~, and ~~to the extent necessary~~ to secure ~~the~~ funds for the account specified in s. 631.55(2)(b) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of ~~any~~ reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy assessments initially estimated in the proportion that each insurer's net direct written premiums in this state in the classes protected by the account bears to the total of said net direct written premiums received in this state by all such insurers for the preceding calendar year for the kinds of insurance included within such account. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan and paragraph (f). Each insurer so assessed shall have at least 30 days' written notice as to the date the initial assessment payment is due and payable. Every assessment shall be ~~made as~~ a uniform percentage applicable to the net direct written premiums of each insurer in the kinds of insurance included within the account in which the assessment is made. The assessments levied against any insurer may ~~shall~~ not exceed in any one year more than 2 percent of that insurer's net direct written premiums in this state for the kinds of insurance included within such account during the calendar year next preceding the date of such assessments.

(b) If sufficient funds from such assessments, together with funds previously raised, are not available in any one year in the respective account to make all the payments or reimbursements then owing to insurers, the funds available shall be prorated and the unpaid portion ~~shall be~~ paid as soon ~~thereafter~~ as funds become available.

(c) The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by the office, including assessments levied pursuant to paragraph (a) and emergency assessments levied pursuant to paragraph (e), constitute advances of funds from the insurer to the association. An insurer may fully recoup such advances by applying the uniform assessment percentage levied by the office to all ~~a separate recoupment factor to the premium of~~ policies of the same kind or line as were considered by the office in determining the assessment liability of the insurer or insurer group as set forth in paragraph (f).

1. Assessments levied under subparagraph (f)1. are paid before policy surcharges are collected and result in a receivable for policy surcharges collected in the future. This amount, to the extent it is likely that it will be realized, meets the definition of an admissible asset as specified in the National Association of Insurance Commissioners' Statement of Statutory

Accounting Principles No. 4. The asset shall be established and recorded separately from the liability regardless of whether it is based on a retrospective or prospective premium-based assessment. If an insurer is unable to fully recoup the amount of the assessment because of a reduction in writings or withdrawal from the market, the amount recorded as an asset shall be reduced to the amount reasonably expected to be recouped.

2. Assessments levied under subparagraph (f)2. are paid after policy surcharges are collected so that the recognition of assets is based on actual premium written offset by the obligation to the association.

(d) ~~No~~ State funds may not ~~of any kind shall~~ be allocated or paid to the ~~said~~ association or any of its accounts.

(e)1.~~a.~~ In addition to assessments ~~otherwise~~ authorized in paragraph (a), and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(b) for the direct payment of covered claims of insurers rendered insolvent by the effects of a hurricane and to pay the reasonable costs to administer such claims, or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy emergency assessments upon insurers holding a certificate of authority. The emergency assessments payable under this paragraph by any insurer may ~~shall~~ not exceed in any single year more than 2 percent of that insurer's direct written premiums, net of refunds, in this state during the preceding calendar year for the kinds of insurance within the account specified in s. 631.55(2)(b).

2.~~b.~~ ~~Any~~ Emergency assessments authorized under this paragraph shall be levied by the office upon insurers referred to in subparagraph 1. ~~sub-subparagraph a.~~, upon certification as to the need for such assessments by the board of directors. If ~~In the event~~ the board ~~of directors~~ participates in the issuance of bonds in accordance with s. 631.695, emergency assessments shall be levied in each year that bonds issued under s. 631.695 and secured by such emergency assessments are outstanding~~,~~ in ~~such~~ amounts up to such 2 percent ~~2 percent~~ limit as required in order to provide for the full and timely payment of the principal of, redemption premium, if any, and interest on, and related costs of issuance of, such bonds. The emergency assessments ~~provided for in this paragraph~~ are assigned and pledged to the municipality, county, or legal entity issuing bonds under s. 631.695 for the benefit of the holders of such bonds~~,~~ in order ~~to enable such municipality, county, or legal entity~~ to provide for the payment of the principal of, redemption premium, if any, and interest on such bonds, the cost of issuance of such bonds, and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, without ~~the necessity of any~~ further action by the association, the office, or any other party. If ~~To the extent~~ bonds are issued under s. 631.695 and the association determines to secure such bonds by a pledge of revenues received from the emergency assessments, such bonds, upon such pledge of revenues, shall be secured by and payable from the proceeds of such emergency assessments, and the proceeds of emergency assessments levied under this paragraph shall be remitted directly to and administered by the trustee or custodian appointed for such bonds.

3.~~c.~~ Emergency assessments used to defease bonds issued under this ~~part paragraph~~ may be payable in a single payment or, at the option of the association, may be payable in 12 monthly installments with the first installment being due and payable at the end of the month after an emergency assessment is levied and subsequent installments being due by ~~not later than~~ the end of each succeeding month.

4.~~d.~~ If emergency assessments are imposed, the report required by s. 631.695(7) must ~~shall~~ include an analysis of the revenues generated from the emergency assessments imposed under this paragraph.

5.~~e.~~ If emergency assessments are imposed, the references in sub-subparagraph (1)(a)3.b. and s. 631.695(2) and (7) to assessments levied under paragraph (a) must ~~shall~~ include emergency assessments imposed under this paragraph.

6.~~2.~~ If the board of directors participates in the issuance of bonds in accordance with s. 631.695, an annual assessment under this paragraph shall continue while the bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund bonds issued pursuant to s. 631.695, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of such bonds.

7.~~3.~~ Emergency assessments under this paragraph are not premium and are not subject to the premium tax, to any fees, or to any commissions. An insurer is liable for all emergency assessments that the insurer collects and shall treat the failure of an insured to pay an emergency assessment as a failure to pay the premium. An insurer is not liable for uncollectible emergency assessments.

(f) ~~The recoupment factor applied to policies in accordance with paragraph (e) shall be selected by the insurer or insurer group so as to provide for the probable recoupment of both assessments levied pursuant to paragraph (a) and emergency assessments over a period of 12 months, unless the insurer or insurer group, at its option, elects to recoup the assessment over a longer period. The recoupment factor shall apply to all policies of the same kind or line as were considered by the office in determining the assessment liability of the insurer or insurer group issued or renewed during a 12-month period. If the insurer or insurer group does not collect the full amount of the assessment during one 12-month period, the insurer or insurer group may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods. If, at the end of a 12-month period, the insurer or insurer group has collected from the combined kinds or lines of policies subject to assessment more than the total amount of the assessment paid by the insurer or insurer group, the excess amount shall be disbursed as follows:~~

1. The association, office, and insurers remitting assessments pursuant to paragraph (a) or paragraph (e) must comply with the following:

a. In the order levying an assessment, the office shall specify the actual percentage amount to be collected uniformly from all the policyholders of insurers subject to the assessment and the date on which the assessment year begins, which may not begin until 90 days after the association board certifies such an assessment.

b. Insurers shall make an initial payment to the association before the beginning of the assessment year on or before the date specified in the order of the office.

c. Insurers that have written insurance in the calendar year before the year in which the assessment is certified by the board shall make an initial payment based on the net direct written premium amount from the prior calendar year as set forth in the insurers' annual statements, multiplied by the uniform percentage of premium specified in the order issued by the office. Insurers that have not written insurance in the prior calendar year in any of the lines under the account which are being assessed, but that are writing insurance as of, or after, the date the board certifies the assessment to the office, shall pay an amount based on a good faith estimate of the amount of net direct written premium anticipated to be written in the subject lines of business for the assessment year, multiplied by the uniform percentage of premium specified in the order issued by the office.

d. Insurers shall file a reconciliation report with the association within 45 days after the end of the assessment year which indicates the amount of the initial payment to the association before the assessment year, whether such amount was based on net direct written premium contained in a prior calendar year annual statement or a good faith projection, the amount actually collected during the assessment year, and such other information contained on a form adopted by the association and provided to the insurers in advance. If the insurer collected from policyholders more than the amount initially paid, the insurer shall pay the excess amount to the association. If the insurer collected from policyholders an amount which is less than the amount initially paid to the association, the association shall credit the insurer that amount against future assessments. Such payment reconciliation report, and any payment of excess amounts collected from policyholders, shall be completed and remitted to the association within 90 days after the end of the assessment year. The association shall send a final reconciliation report on all insurers to the office within 120 days after each assessment year.

e. Insurers remitting reconciliation reports to the association under this paragraph are subject to s. 626.9541(1)(e). ~~If the excess amount does not exceed 15 percent of the total assessment paid by the insurer or insurer group, the excess amount shall be remitted to the association within 60 days~~

~~after the end of the 12-month period in which the excess recoupment charges were collected.~~

2. The association may use a monthly installment method instead of the method described in sub-subparagraphs 1.b. and c. or in combination thereof based on the association's projected cash flow. If the association projects that it has cash on hand for the payment of anticipated claims in the applicable account for at least 6 months, the board may make an estimate of the assessment needed and may recommend to the office the assessment percentage that may be collected as a monthly assessment. The office may, in the order levying the assessment on insurers, specify that the assessment is due and payable monthly as the funds are collected from insureds throughout the assessment year, in which case the assessment shall be a uniform percentage of premium collected during the assessment year and shall be collected from all policyholders with policies in the classes protected by the account. All insurers shall collect the assessment without regard to whether the insurers reported premium in the year preceding the assessment. Insurers are not required to advance funds if the association and the office elect to use the monthly installment option. All funds collected shall be retained by the association for the payment of current or future claims. This subparagraph does not alter the obligation of an insurer to remit assessments levied pursuant to this subsection to the association. ~~If the excess amount exceeds 15 percent of the total assessment paid by the insurer or insurer group, the excess amount shall be returned to the insurer's or insurer group's current policyholders by refunds or premium credits. The association shall use any remitted excess recoupment amounts to reduce future assessments.~~

(g) Amounts recouped pursuant to this subsection for assessments levied under paragraph (a) due to insolvencies on or after July 1, 2010, are considered premium solely for premium tax purposes and are not subject to fees or commissions. However, insurers shall treat the failure of an insured to pay a recoupment charge as a failure to pay the premium.

~~(h) At least 15 days before applying the recoupment factor to any policies, the insurer or insurer group shall file with the office a statement for informational purposes only setting forth the amount of the recoupment factor and an explanation of how the recoupment factor will be applied. Such statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the recoupment factor. The insurer or insurer group may use the recoupment factor at any time after the expiration of the 15-day period. The insurer or insurer group need submit only one informational statement for all lines of business using the same recoupment factor.~~

~~(i) No later than 90 days after the insurer or insurer group has completed the recoupment process, the insurer or insurer group shall file with the office, for information purposes only, a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year. The insurer or insurer group need submit only one report for all lines of business using the same recoupment factor.~~

(h) Assessments levied under this subsection are levied upon insurers. This subsection does not create a cause of action by a policyholder with respect to the levying of, or a policyholder's duty to pay, such assessments.

(4) The office ~~department~~ may exempt or temporarily defer any insurer from any regular or emergency assessment if the office finds that the insurer is impaired or insolvent or if an assessment would result in such insurer's financial statement reflecting an amount of capital or surplus less than the sum of the minimum amount required by any jurisdiction in which the insurer is authorized to transact insurance.

Section 9. Section 631.64, Florida Statutes, is amended to read:

631.64 Recognition of assessments ~~in rates~~.—Charges or recoupments shall be separately displayed on premium statements to enable policyholders to determine the amount charged for association assessments but may not be included in rates filed and approved by the office. ~~The rates and premiums charged for insurance policies to which this part applies may include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association, and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.~~

Section 10. Subsection (5) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(5) Any person having a claim against an insolvent insurer as defined in s. 631.54~~(6)~~ under ~~the provisions of~~ this section shall present such claim for payment to the Florida Insurance Guaranty Association only. In the event of a payment to a ~~any~~ person in settlement of a claim arising under ~~the provisions of~~ this section, the association is not subrogated or entitled to ~~any~~ recovery against the claimant's insurer. The association, however, has the rights of recovery as set forth in chapter 631 in the proceeds recoverable from the assets of the insolvent insurer.

Section 11. Subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in s. 631.54~~(7)~~ shall be members of the association as a condition of their authority to transact insurance in this state, and, further, as a condition of such authority, an insurer must ~~shall~~ agree to reimburse the association for all claim payments the association makes on the ~~said~~ insurer's behalf if such insurer is subsequently rehabilitated. The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 12. This act shall take effect July 1, 2014.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to insurance; creating s. 400.996, F.S.; authorizing the Agency for Health Care Administration to contract with counties to directly enforce the Health Care Clinic Act; requiring alleged violations of the act to be reported to the agency for review; requiring the agency to report the results of its review and any actions to the county within a specified time; amending s. 440.49, F.S.; revising the methodology for calculating the assessment rate against specified insurers for funding the Special Disability Trust Fund; reducing the upper limit on the rate; amending s. 624.425, F.S.; providing that the absence of a countersignature does not affect the validity of a policy or contract; amending s. 627.902, F.S.; providing that premium financing does not apply to installment payment arrangements that do not involve the advancement of funds; amending s. 627.94072, F.S.; providing an alternative form of a nonforfeiture provision for long-term care insurance; amending s. 629.271, F.S.; authorizing reciprocal insurers to return a portion of unassigned funds to their subscribers; amending s. 631.54, F.S.; defining the term "assessment year"; amending s. 631.57, F.S.; revising provisions relating to the levy of assessments on insurers by the Florida Insurance Guaranty Association; specifying the conditions under which such assessments are paid; revising procedures and timeframes for the levying of the assessments; deleting the requirement that insurers file a final accounting report documenting the recoupment; revising an exemption for assessments; amending s. 631.64, F.S.; requiring charges or recoupments to be displayed separately on premium statements to policyholders and prohibiting their inclusion in rates; amending ss. 627.727 and 631.55, F.S.; conforming cross-references; providing an effective date.

Representative Santiago offered the following:

(Amendment Bar Code: 309029)

**House Amendment 1 to Senate Amendment 1 (with title amendment)**—Between lines 4 and 5 of the amendment, insert:

Section 1. Paragraphs (d), (e), and (f) of subsection (7) of section 215.555, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, and a new paragraph (d) is added to that subsection, to read:

215.555 Florida Hurricane Catastrophe Fund.—

(7) ADDITIONAL POWERS AND DUTIES.—

(d) Beginning with the 2014-2015 fiscal year, the State Board of Administration shall annually transfer a portion of the investment income of the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center created by s. 1004.647 to fund the center's ongoing operations. The amount of the transfer for a particular fiscal year shall be the lesser of $1 million, or 35 percent of the fund's investment income minus $10 million, as determined by using the most recent fiscal year-end audited financial statements. The amount transferred must be used solely for and consistent with the center's statutory purpose of supporting the state's ability to prepare for, respond to, and recover from catastrophic storms. This paragraph is not intended to limit or supplant any funding otherwise available to the center.

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**T I T L E A M E N D M E N T**

Remove line 529 of the amendment and insert:

An act relating to insurance; amending s. 215.555, F.S.; transferring a portion of the investment income of the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center to support the center's ongoing operations; creating s. 400.996,

Rep. Santiago moved the adoption of **House Amendment 1 to Senate Amendment 1**, which was adopted.

Representative Santiago offered the following:

(Amendment Bar Code: 974455)

**House Amendment 2 to Senate Amendment 1 (with title amendment)**—Between lines 123 and 124 of the amendment, insert:

Section 4. Section 624.5094, Florida Statutes, is amended to read:

624.5094 Casualty insurance premiums.—Notwithstanding any statutory provision to the contrary, for the purposes of calculating the annual assessments for the Special Disability Trust Fund under s. 440.49, a carrier or self-insurance fund may offset, from its total amount of premiums written during a quarter, all amounts actually paid or credited to policyholders for dividends and returned premiums during the quarter regardless of the calendar year the policies incepted for which the dividends or premiums apply. Notwithstanding any statutory provision to the contrary, for the purposes of calculating the annual ~~and~~ expenses of administration under s. 440.51, a carrier or self-insurance fund may offset from its total of premiums collected during a quarter all amounts actually paid or credited to policyholders for dividends and returned premiums during the quarter regardless of the calendar year the policies incepted for which the dividends or returned premiums apply ~~any amount paid or credited as dividends or premium refunds in the same calendar year by the insurer to its policyholders must be deducted from "net premium," "net premiums written," "direct premium," and "net premium collected" for the calendar year. Such offset for dividends or premium refunds paid or credited for the current year must be applied against the current year's net premium for that year's assessment regardless of the policy year for which the dividends or premium refunds are being reimbursed~~.

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**T I T L E A M E N D M E N T**

Remove line 542 of the amendment and insert:

validity of a policy or contract; amending s. 624.5094, F.S.; revising provisions providing for offset of dividends or premium refunds in calculating the annual assessment for the Special Disability Trust Fund and expenses of administration; amending s. 627.902,

Rep. Santiago moved the adoption of the **House Amendment 2 to Senate Amendment 1**.

**Point of Order**

Rep. Schwartz raised a point of order, under Rule 12.8(b), that **House Amendment 2 to Senate Amendment 1** was out of order and the amendment to the amendment was not germane.

The Chair [Speaker Weatherford] referred the point to Rep. Schenck, Chair of the Rules & Calendar Committee, for a recommendation.

Rep. Schenck, Chair of the Rules & Calendar Committee, in speaking to the point of order, stated that the amendment to the amendment was germane. Rep. Schenck recommended the point not be well taken.

The Chair [Speaker Weatherford], upon the recommendation of Rep. Schenck, Chair of the Rules & Calendar Committee, ruled the point not well taken and the amendment to the amendment was germane.

The question recurred on the adoption of **House Amendment 2 to Senate Amendment 1**, which was adopted.

Representative Santiago offered the following:

(Amendment Bar Code: 590123)

**House Amendment 3 to Senate Amendment 1 (with title amendment)**—Between lines 123 and 124 of the amendment, insert:

Section 4. Subsection (8) of section 627.0651, Florida Statutes, is amended to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group; nor are rates unfairly discriminatory even though they are lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to ensure ~~assure~~ that nonmembers of the group are not unfairly discriminated against. Use of a single United States Postal Service zip code as a rating territory shall be deemed unfairly discriminatory unless such rating territory is filed pursuant to paragraph (1)(a) and incorporates sufficient actual or expected loss and loss adjustment expense experience so as to be actuarially measurable and credible.

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**T I T L E A M E N D M E N T**

Remove line 542 of the amendment and insert:

validity of a policy or contract; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; amending s. 627.902,

Rep. Santiago moved the adoption of the amendment to the amendment, which was adopted.

Representative Santiago offered the following:

(Amendment Bar Code: 260943)

**House Amendment 4 to Senate Amendment 1 (with title amendment)**—Between lines 521 and 522 of the amendment, insert:

Section 12. Section 627.285, Florida Statutes, is amended to read:

627.285 Independent actuarial peer review of workers' compensation rating organization.—The Financial Services Commission shall, as often as it deems necessary, ~~at least once every other year~~ contract for an independent actuarial peer review and analysis of the ratemaking processes of any licensed rating organization that makes rate filings for workers' compensation insurance, and the rating organization shall fully cooperate in the peer review. The contract shall require submission of a final report to the commission, the President of the Senate, and the Speaker of the House of Representatives by February 1. The first report shall be submitted by February 1, 2004. The costs

of the independent actuarial peer review shall be paid from the Workers' Compensation Administration Trust Fund.

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**T I T L E A M E N D M E N T**

Between lines 563 and 564 of the amendment, insert:
amending s. 627.285, F.S.; revising contract frequency of independent actuarial peer review and analysis of the rating organization processes;

## Point of Order

Rep. Schwartz raised a point of order, under Rule 12.8, that **House Amendment 4 to Senate Amendment 1** was out of order and the amendment to the amendment was not germane.

The Chair [Speaker Weatherford] referred the point to Rep. Schenck, Chair of the Rules & Calendar Committee, for a recommendation.

Rep. Schenck, Chair of the Rules & Calendar Committee, in speaking to the point of order, stated that the amendment to the amendment was germane. Rep. Schenck recommended the point not be well taken.

The Chair [Speaker Weatherford], upon the recommendation of Rep. Schenck, Chair of the Rules & Calendar Committee, ruled the point not well taken and the amendment to the amendment was germane.

The question recurred on the adoption of **House Amendment 4 to Senate Amendment 1**, which was adopted.

Representative Santiago offered the following:

(Amendment Bar Code: 035385)

**House Amendment 5 to Senate Amendment 1 (with title amendment)**—Between lines 521 and 522 of the amendment, insert:

Section 12. Paragraph (f) of subsection (1) of section 624.413, Florida Statutes, is amended to read:

624.413 Application for certificate of authority.—

(1) To apply for a certificate of authority, an insurer shall file its application therefor with the office, upon a form adopted by the commission and furnished by the office, showing its name; location of its home office and, if an alien insurer, its principal office in the United States; kinds of insurance to be transacted; state or country of domicile; and such additional information as the commission reasonably requires, together with the following documents:

(f) If a foreign or alien insurer, a copy of the report of the most recent examination of the insurer certified by the public official having supervision of insurance in its state of domicile or of entry into the United States. The end of the most recent year covered by the examination must be within the 5-year ~~3-year~~ period preceding the date of application. In lieu of the certified examination report, the office may accept an audited certified public accountant's report prepared on a basis consistent with the insurance laws of the insurer's state of domicile, certified by the public official having supervision of insurance in its state of domicile or of entry into the United States.

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**T I T L E A M E N D M E N T**

Between lines 563 and 564 of the amendment, insert:
amending s. 624.413, F.S.; revising a specified period applicable to a certified examination that must be filed by a foreign or alien insurer applying for a certificate of authority;

Rep. Santiago moved the adoption of the amendment to the amendment, which was adopted.

Representative Santiago offered the following:

(Amendment Bar Code: 583385)

**House Amendment 6 to Senate Amendment 1 (with title amendment)**—Between lines 521 and 522 of the amendment, insert:

Section 12. The board of governors of Citizens Property Insurance Corporation shall develop a plan to establish a mandatory sinkhole stabilization repair program to ensure the repair and remediation of sinkhole damage to homes and shall submit such plan to the Financial Services Commission by December 1, 2014, for review, modification, and approval. Upon the commission's approval, the board shall implement the plan by March 31, 2015. All sinkhole claims filed after the implementation date shall be managed by the repair program created herein. Any sinkhole claims filed prior to the implementation date shall not be subject to a repair program unless voluntarily entered into by the insured and only if the repair program has been established and approved by the board of governors. Notwithstanding the implementation date of March 31, 2015, the program shall not commence or operate without a minimum of 12 repair contractors or vendors eligible to participate in the program. Any contractor or vendor that meets the qualifications set forth in the plan will be eligible to participate in the program. If the number of repair contractors or vendors eligible to participant in the program falls below 12, the mandatory program will be suspended until reviewed during the next the legislative session. Any plan proposed by Citizen's Property Insurance Corporation, and adopted by the Financial Services Commission, must provide that the corporation or the policyholder may invoke neutral evaluation by filing a request with the department pursuant to s. 627.7047(7) and that the parties retain all remedies under current law to challenge the neutral evaluator's decision in courts of competent jurisdiction.

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**T I T L E A M E N D M E N T**

Between lines 563 and 564 of the amendment, insert:
requiring the board of governors of the Citizens Property Insurance Corporation to develop a plan to establish a mandatory sinkhole stabilization repair program; providing program requirements and applicability;

## Point of Order

Rep. Murphy raised a point of order, under Rule 12.8, that **House Amendment 6 to Senate Amendment 1** was out of order and the amendment to the amendment was not germane.

The Chair [Speaker Weatherford] referred the point to Rep. Schenck, Chair of the Rules & Calendar Committee, for a recommendation.

Rep. Schenck, Chair of the Rules & Calendar Committee, in speaking to the point of order, stated that the amendment to the amendment was germane. Rep. Schenck recommended the point not be well taken.

The Chair [Speaker Weatherford], upon the recommendation of Rep. Schenck, Chair of the Rules & Calendar Committee, ruled the point not well taken and the amendment to the amendment was germane.

The question recurred on the adoption of **House Amendment 6 to Senate Amendment 1**.

Further consideration of **CS/HB 375**, with pending House amendment to Senate amendment, was temporarily postponed.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 7031, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**HB 7031**—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit; amending s. 120.74, F.S.; exempting educational units from rule review and reporting requirements; amending s. 120.81, F.S.; conforming cross-references; amending s. 409.1451; conforming cross-references; repealing ss. 411.226, 411.227, and 411.228, F.S., relating to the Learning Gateway program; amending s. 496.404, F.S.; conforming cross-references; amending s. 775.215 F.S.; conforming cross-references; amending s. 984.151, F.S.; authorizing a district school superintendent's designee to submit a truancy petition; repealing s. 1000.01(5), F.S., relating to obsolete education governance transfers; amending s. 1000.21, F.S.; revising the definition of the term "Next Generation Sunshine State Standards"; repealing ss. 1000.33 and 1000.37, F.S., relating to the distribution of copies of educational compacts to other states; amending s. 1001.10, F.S.; deleting and revising certain duties of the Commissioner of Education relating to educational plans and programs; repealing s. 1001.25, F.S, relating to educational television; amending s. 1001.26, F.S.; revising Department of Education duties relating to the public broadcasting program system; prohibiting the use of educational television stations for the advancement of political candidates; providing penalties; repealing ss. 1001.47(7) and 1001.50(6), F.S., relating to obsolete district school superintendent salary provisions; repealing s. 1001.62, F.S., relating to obsolete provisions for the transfer of benefits arising under local or special acts; repealing s. 1001.73(3), F.S., relating to the abolished Board of Regents as trustee; amending s. 1002.20, F.S.; correcting cross-references and conforming provisions; amending s. 1002.31, F.S.; revising provisions relating to school district controlled open enrollment plans; amending s. 1002.3105, F.S.; conforming provisions; amending s. 1002.321, F.S.; conforming provisions; amending s. 1002.33, F.S.; deleting required training before charter school application; conforming cross-references and provisions; amending s. 1002.34, F.S.; conforming cross-references; revising provisions relating to department assistance to charter technical career centers; amending s. 1002.345, F.S.; revising provisions relating to expedited review of deteriorating financial conditions for a charter school or charter technical career center; deleting an annual reporting requirement; amending s. 1002.39, F.S.; deleting obsolete provisions relating to eligibility for a John M. McKay Scholarship; amending s. 1002.41, F.S.; correcting cross-references; repealing s. 1002.415, F.S., relating to the K-8 Virtual School Program; amending s. 1002.45, F.S.; conforming cross-references; amending s. 1002.455, F.S.; conforming provisions; repealing s. 1002.65, F.S., relating to aspirational goals for credentials of prekindergarten instructors; amending s. 1003.01, F.S.; conforming cross-references; amending s. 1003.02, F.S.; requiring instructional materials to be consistent with course descriptions; amending a. 1003.03, F.S.; conforming cross-references; amending s. 1003.41, F.S.; deleting an obsolete cost analysis requirement relating to a separate financial literacy course; amending s. 1003.4156, F.S.; revising course and assessment requirements for middle grades students for promotion to high school; providing an exemption for transfer students from certain course grade and assessment requirements; repealing s. 1003.428, F.S., relating to obsolete requirements for high school graduation; amending s. 1003.4281, F.S.; conforming cross-references; amending s. 1003.4282, F.S.; revising course and assessment requirements for the award of a standard high school diploma; providing requirements for a student in an adult general education program to be awarded a standard high school diploma; revising requirements for award of a certificate of completion; providing an exemption for transfer students from certain course grade and assessment requirements; providing specificity regarding course and assessment requirements for graduation for certain cohorts of high school students transitioning to new graduation requirements; providing for future repeal of transition requirements; amending s. 1003.4285, F.S.; revising requirements for standard high school diploma designations; amending s. 1003.438, F.S.; conforming cross-references; repealing s. 1003.451(5), F.S., relating to State Board of Education rulemaking; amending s. 1003.49, F.S.; conforming cross-references; amending s. 1003.493, F.S.; conforming a cross-reference; amending s. 1003.4935, F.S.; conforming a cross-reference; amending s. 1003.57, F.S., relating to exceptional student instruction; amending s. 1003.621, F.S.; revising audit criteria for academically high-performing school districts; repealing s. 1004.02(4), F.S., relating to the definition of the term "adult high school credit program"; amending s. 1004.0961, F.S.; providing for Board of Governors regulations; repealing s. 1004.3825, F.S., relating to authorization for a medical degree program; repealing s. 1004.387, F.S., relating to authorization for a pharmacy degree program; repealing s. 1004.445(2), F.S., relating to the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; repealing s. 1004.75, F.S., relating to training school consolidation pilot projects; amending s. 1004.935, F.S.; conforming cross-references; repealing s. 1006.141, F.S., relating to a statewide school safety hotline; amending s. 1006.147, F.S.; deleting obsolete provisions relating to school district bullying and harassment policies; repealing s. 1006.148(2), F.S., relating to a department-developed model dating violence and abuse policy; amending s. 1006.15, F.S.; conforming cross-references; amending s. 1006.28, F.S.; conforming provisions relating to instructional materials; amending s. 1006.31, F.S.; conforming provisions relating to duties of an instructional materials reviewer; amending s. 1006.34, F.S.; revising provisions relating to standards used in the selection of instructional materials; amending s. 1006.40, F.S.; revising provisions relating to district school board purchase of instructional materials; amending s. 1006.42, F.S.; conforming provisions relating to the responsibility of parents for instructional materials; amending s. 1007.02, F.S.; deleting a popular name and providing applicability for the term "student with a disability"; amending s. 1007.2615, F.S.; deleting obsolete provisions relating to an American Sign Language task force; amending s. 1007.263, F.S.; conforming cross-references; amending ss. 1007.264 and 1007.265, F.S.; conforming provisions; amending s. 1007.271, F.S.; correcting cross-references; amending s. 1008.22, F.S.; conforming and revising provisions relating to the implementation of statewide, standardized comprehensive assessments, end-of-course assessments, and waivers for students with disabilities; requiring the commissioner to publish an implementation schedule for transition to new assessments; conforming provisions relating to concordant scores and comparative scores for assessments; amending s. 1008.25, F.S.; conforming assessment provisions for student progression; amending s. 1008.33, F.S.; deleting obsolete provisions relating to implementation of certain school turnaround options; repealing s. 1008.331, F.S., relating to supplemental educational services in Title I schools; amending s. 1008.3415, F.S.; correcting a cross-reference; repealing s. 1008.35, F.S., relating to best financial management practices for school districts; amending s. 1009.22, F.S.; deleting obsolete provisions relating to workforce education postsecondary student fees; amending s. 1009.40, F.S.; conforming cross-references; amending s. 1009.531, F.S.; conforming cross-references; amending s. 1009.532, F.S.; correcting cross-references; amending s. 1009.536, F.S.; correcting cross-references; repealing s. 1009.56, F.S., relating to the Seminole and Miccosukee Indian Scholarship Program; repealing s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program; amending s. 1009.91, F.S.; conforming a cross-reference; amending s. 1009.94, F.S.; conforming a cross-reference; repealing part V of chapter 1009, F.S., relating to the Florida Higher Education Loan Authority; repealing s. 1011.71(3)(b) and (c), F.S., relating to expired authorization for certain millage levy; repealing s. 1011.76(4), F.S., relating to best financial management practices review under the Small School District Stabilization Program; amending s. 1011.80, F.S.; correcting a cross-reference; amending s. 1012.05, F.S.; deleting department and commissioner duties relating to teacher recruitment and retention; amending s. 1012.22, F.S.; conforming provisions; repealing s. 1012.33(9), F.S., relating to obsolete provisions for payment of professional service contracts; amending s. 1012.34, F.S.; correcting cross-references relating to measuring student performance in personnel evaluations; amending s. 1012.44, F.S.; deleting obsolete provisions; amending s. 1012.561, F.S.; deleting an obsolete provision; repealing s. 1012.595, F.S., relating to an obsolete saving clause for educator certificates; amending s. 1012.885, F.S.; deleting certain provisions relating to remuneration of Florida College System institution presidents; amending s. 1012.975, F.S.; deleting certain provisions relating to remuneration of state university presidents; amending s. 1012.98, F.S.; requiring continuing education training for kindergarten teachers; amending s. 1013.35, F.S.; revising audit requirements for school district educational planning and

construction activities; amending s. 1013.47, F.S.; deleting provisions relating to payment of wages of certain persons employed by contractors; repealing s. 1013.49, F.S., relating to toxic substances in educational facilities; repealing s. 1013.512, F.S., relating to the Land Acquisition and Facilities Advisory Board; repealing s. 1013.54, F.S., relating to the cooperative development and use of satellite educational facilities; repealing s. 20 of chapter 2010-24, Laws of Florida, relating to Department of Revenue authorization to adopt emergency rules; providing an effective date.

(Amendment Bar Code: 588260)

**Senate Amendment 1 (with title amendment)**—Delete everything after the enacting clause
and insert:

Section 1. Paragraph (j) of subsection (7) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(j) The Auditor General shall notify the Legislative Auditing Committee of any financial or operational audit report prepared pursuant to this section which indicates that a district school board, state university, or Florida College System institution has failed to take full corrective action in response to a recommendation that was included in the two preceding financial or operational audit reports.

1. The committee may direct the district school board or the governing body of the state university or Florida College System institution to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

2. If the committee determines that the written statement is not sufficient, the committee may require the chair of the district school board or the chair of the governing body of the state university or Florida College System institution, or the chair's designee, to appear before the committee.

3. If the committee determines that the district school board, state university, or Florida College System institution has failed to take full corrective action for which there is no justifiable reason or has failed to comply with committee requests made pursuant to this section, the committee shall refer the matter to the State Board of Education or the Board of Governors, as appropriate, to proceed in accordance with s. 1008.32 or s. 1008.322, respectively.

Section 2. Subsection (5) is added to section 120.74, Florida Statutes, to read:

120.74 Agency review, revision, and report.—

(5) An educational unit as defined in s. 120.52(6) is exempt from this section.

Section 3. Paragraph (c) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(c) Notwithstanding s. 120.52(16), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 1003.4282 ~~1003.428~~, ~~s. 1003.429,~~ s. 1003.438, s. 1008.22, or s. 1008.25, or any other statewide educational tests required by law, are not rules.

Section 4. Paragraph (a) of subsection (2) of section 409.1451, Florida Statutes, is amended to read:

409.1451 The Road-to-Independence Program.—

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

(a) A young adult is eligible for services and support under this subsection if he or she:

1. Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption;

2. Spent at least 6 months in licensed care before reaching his or her 18th birthday;

3. Earned a standard high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent pursuant to ~~s. 1003.428, s. 1003.4281, s. 1003.429,~~ s. 1003.435, or a special diploma pursuant to s. 1003.438;

4. Has been admitted for enrollment as a full-time student or its equivalent in an eligible postsecondary educational institution as provided in s. 1009.533. For purposes of this section, the term "full-time" means 9 credit hours or the vocational school equivalent. A student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance. A student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

5. Has reached 18 years of age but is not yet 23 years of age;

6. Has applied, with assistance from the young adult's caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;

7. Submitted a Free Application for Federal Student Aid which is complete and error free; and

8. Signed an agreement to allow the department and the community-based care lead agency access to school records.

Section 5. Subsection (8) of section 496.404, Florida Statutes, is amended to read:

496.404 Definitions.—As used in ss. 496.401-496.424:

(8) "Educational institutions" means those institutions and organizations described in s. 212.08(7)(cc)8.a. The term includes private nonprofit organizations, the purpose of which is to raise funds for schools teaching grades kindergarten through grade 12, colleges, and universities, including a ~~any~~ nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, an ~~any~~ educational television network or system established pursuant to ~~s. 1001.25 or~~ s. 1001.26, and a ~~any~~ nonprofit television or radio station that is a part of such network or system and that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term also includes a nonprofit educational cable consortium that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations that hold a valid consumer certificate of exemption and that are either an educational institution as defined in this subsection or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code.

Section 6. Paragraph (d) of subsection (1) of section 775.215, Florida Statutes, is amended to read:

775.215 Residency restriction for persons convicted of certain sex offenses.—

(1) As used in this section, the term:

(d) "School" has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, and the Florida Virtual School ~~as~~ established under s. 1002.37~~, and a K-8 Virtual School as established under s. 1002.415,~~ but does not include facilities dedicated exclusively to the education of adults.

Section 7. Subsection (1) of section 984.151, Florida Statutes, is amended to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.

Section 8. Subsection (5) of section 1000.01, Florida Statutes, is repealed.

Section 9. Subsection (7) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(7) "Next Generation Sunshine State Standards" means the state's public K-12 curricular standards~~, including common core standards in English Language Arts and mathematics,~~ adopted under s. 1003.41.

Section 10. Section 1000.33, Florida Statutes, is repealed.

Section 11. Section 1000.37, Florida Statutes, is repealed.

Section 12. Paragraphs (h) and (l) of subsection (6) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

~~(h) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes. The Commissioner of Education shall submit to the Legislature the proposed state plan for the reauthorization of the No Child Left Behind Act before the proposed plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives shall appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed plan.~~

(k)~~(l)~~ To prepare, publish, and disseminate ~~maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of~~ user-friendly materials relating to the state's education system, including the state's K-12 scholarship programs and the Voluntary Prekindergarten Education Program.

Section 13. Section 1001.25, Florida Statutes, is repealed.

Section 14. Section 1001.26, Florida Statutes, is amended to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television stations qualified by the Corporation for Public Broadcasting that are part of the public broadcasting program system ~~administer this program system pursuant to rules adopted by the State Board of Education. This program system must complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, EBS, and FM stations in the state~~. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations ~~and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the State Board of Education~~.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing ~~or future~~ educational television stations ~~in accordance with paragraph (a) and s. 1001.25(2)(c)~~.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(2)~~(a)~~ The Department of Education ~~is responsible for implementing the provisions of this section pursuant to s. 282.702 and~~ may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

~~(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education. The department shall recommend to the State Board of Education rules necessary to provide such services.~~

~~(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television systems of tax supported and nonprofit, corporate owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. Funds appropriated to the department for educational television may be used by the department for educational television only.~~

(3)(a) The facilities, plant, or personnel of an educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of a political candidate for a municipal, county, legislative, congressional, or state office. However, fair, open, and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns. This paragraph applies to the advocacy for, or opposition to, a specific existing or proposed program of governmental action, which includes, but is not limited to, constitutional amendments, tax referenda, and bond issues. This paragraph shall be implemented in accordance with rules of the State Board of Education.

(b) A violation of a prohibition contained in this subsection is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 1001.34, Florida Statutes, is amended to read:

1001.34 Membership of district school board.—

(1) Each district school board shall be composed of not less than five members. Each member of the district school board shall be a qualified elector of the district in which she or he serves, shall be a resident of the district school board member residence area from which she or he is elected, and shall maintain said residency throughout her or his term of office.

(2) A district school board may modify the number of members on its board by adopting a resolution that establishes the total number of members on the board, which may not be less than five, and the number of members who shall be elected by residence areas or elected at large. The resolution must specify an orderly method and procedure for modifying the membership of the board, including staggering terms of additional members as necessary. If the resolution is adopted, the district school board shall submit to the electors for approval at a referendum held at the next primary or general election the question of whether the number of board members should be modified in accordance with the resolution adopted by the district school board. If the referendum is approved, election of additional school board members may occur at any primary, general, or otherwise-called special election.

Section 16. Subsection (7) of section 1001.47, Florida Statutes, is repealed.

Section 17. Subsection (6) of section 1001.50, Florida Statutes, is repealed.

Section 18. Section 1001.62, Florida Statutes, is repealed.

Section 19. Subsection (3) of section 1001.73, Florida Statutes, is repealed.

Section 20. Subsections (8), (16), and (21) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(8) STUDENTS WITH DISABILITIES.—Parents of public school students with disabilities and parents of public school students in residential

care facilities are entitled to notice and due process in accordance with the provisions of ss. 1003.57 and 1003.58. Public school students with disabilities must be provided the opportunity to meet the graduation requirements for a standard high school diploma as set forth in s. 1003.4282 in accordance with the provisions of ss. 1003.57 and 1008.22 ~~s. 1003.428(3)~~. Pursuant to s. 1003.438, certain public school students with disabilities may be awarded a special diploma upon high school graduation.

(16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING REPORTS.—Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable under s. 1008.341, the school's improvement rating, and the school's ~~school~~ accountability report, including the school financial report as required under s. 1010.215~~, and school improvement rating of their child's school in accordance with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5)~~.

(21) PARENTAL INPUT AND MEETINGS.—

(a) *Meetings with school district personnel.*—Parents of public school students may be accompanied by another adult of their choice at a ~~any~~ meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through an ~~any~~ action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend a ~~any~~ meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an individual education plan (IEP); the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the ~~a student's~~ educational environment, discipline, or placement of a student with a disability.

2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion which states whether any school district personnel have prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting.

~~(b) *School district best financial management practice reviews.* Public school students and their parents may provide input regarding their concerns about the operations and management of the school district both during and after the conduct of a school district best financial management practices review, in accordance with the provisions of s. 1008.35.~~

(b)~~(c)~~ *District school board educational facilities programs.*—Parents of public school students and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the district school board's educational facilities work program, in accordance with the provisions of s. 1013.35.

Section 21. Subsections (2) through (8) of section 1002.31, Florida Statutes, are amended to read:

1002.31 Controlled open enrollment; public school parental choice.—

(2) Each district school board may offer controlled open enrollment within the public schools which is~~. The controlled open enrollment program shall be offered~~ in addition to the existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

(3) Each district school board offering controlled open enrollment shall adopt by rule and post on its website ~~develop~~ a controlled open enrollment plan which must: ~~describes the implementation of subsection (2).~~

(a)~~(4) School districts shall~~ Adhere to federal desegregation requirements. ~~No controlled open enrollment plan that conflicts with federal desegregation orders shall be implemented.~~

~~(5) Each school district shall develop a system of priorities for its plan that includes consideration of the following:~~

(b)~~(a)~~ Include an application process required to participate in ~~the~~ controlled open enrollment ~~program.~~

~~(b) A process~~ that allows parents to declare school preferences, including~~.~~

~~(c) A process that encourages~~ placement of siblings within the same school.

(c)~~(d)~~ Provide a lottery procedure ~~used by the school district~~ to determine student assignment and establish~~.~~

~~(e)~~ an appeals process for hardship cases.

(d) Afford parents of students in multiple session schools preferred access to controlled open enrollment.

(e)~~(f) The procedures to~~ Maintain socioeconomic, demographic, and racial balance.

(f)~~(g)~~ Address the availability of transportation.

~~(h) A process that promotes strong parental involvement, including the designation of a parent liaison.~~

~~(i) A strategy that establishes a clearinghouse of information designed to assist parents in making informed choices.~~

~~(6) Plans shall be submitted to the Commissioner of Education. The Commissioner of Education shall develop an annual report on the status of school choice and deliver the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days prior to the convening of the regular session of the Legislature~~.

~~(7) Notwithstanding any provision of this section, a school district with schools operating on both multiple session schedules and single session schedules shall afford parents of students in multiple session schools preferred access to the controlled open enrollment program of the school district.~~

(4)~~(8)~~ In accordance with the reporting requirements of s. 1011.62, each district school board shall annually report the number of students ~~applying for and~~ attending the various types of public schools of choice in the district, including schools such as virtual instruction programs, magnet schools, and public charter schools, according to rules adopted by the State Board of Education.

Section 22. Subsection (5) of section 1002.3105, Florida Statutes, is amended to read:

1002.3105 Academically Challenging Curriculum to Enhance Learning (ACCEL) options.—

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who meets the applicable grade 9 cohort graduation requirements of s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5., (c)1.-5., or (d)1.-5., earns three credits in electives, and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Section 23. Subsection (3) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

(3) DIGITAL PREPARATION.—As required under s. 1003.4282, a ~~Each~~ student entering grade 9 in the 2011-2012 school year and thereafter who seeks a high school diploma must take ~~graduate from high school having taken~~ at least one online course~~, as provided in s. 1003.428~~.

Section 24. Paragraph (a) of subsection (6), paragraph (a) of subsection (7), and subsection (25) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum

and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Contains ~~Documents that the applicant has participated in the training required in subparagraph (f)2. A sponsor may require an applicant to provide~~ additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

7. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—A charter school system's governing board ~~system~~ shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

(a) Includes both conversion charter schools and nonconversion charter schools;

(b) Has all schools located in the same county;

(c) Has a total enrollment exceeding the total enrollment of at least one school district in the state;

(d) Has the same governing board; and

(e) Does not contract with a for-profit service provider for management of school operations.

Such designation does not apply to other provisions unless specifically provided in law.

Section 25. Paragraph (g) of subsection (4) and paragraph (d) of subsection (6) of section 1002.34, Florida Statutes, are amended to read:

1002.34 Charter technical career centers.—

(4) CHARTER.—A sponsor may designate centers as provided in this section. An application to establish a center may be submitted by a sponsor or another organization that is determined, by rule of the State Board of Education, to be appropriate. However, an independent school is not eligible for status as a center. The charter must be signed by the governing body of the center and the sponsor and must be approved by the district school board and Florida College System institution board of trustees in whose geographic region the facility is located. If a charter technical career center is established by the conversion to charter status of a public technical center formerly governed by a district school board, the charter status of that center takes precedence in any question of governance. The governance of the center or of any program within the center remains with its board of directors unless the board agrees to a change in governance or its charter is revoked as provided in subsection (15). Such a conversion charter technical career center is not affected by a change in the governance of public technical centers or of programs within other centers that are or have been governed by district school boards. A charter technical career center, or any program within such a center, that was governed by a district school board and transferred to a Florida College System institution prior to the effective date of this act is not affected by this provision. An applicant who wishes to establish a center must submit to the district school board or Florida College System institution board of trustees, or a consortium of one or more of each, an application on a form developed by the Department of Education which includes:

(g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 ~~1003.428 or s. 1003.429~~ and for completion of a postsecondary certificate or degree.

Students at a center must meet the same testing and academic performance standards as those established by law and rule for students at public schools and public technical centers. The students must also meet any additional assessment indicators that are included within the charter approved by the district school board or Florida College System institution board of trustees.

(6) SPONSOR.—A district school board or Florida College System institution board of trustees or a consortium of one or more of each may sponsor a center in the county in which the board has jurisdiction.

(d)1. The Department of Education shall offer or arrange for training and technical assistance to centers which must include ~~applicants in~~ developing and amending business plans, ~~and~~ estimating and accounting for costs and income, complying with state and federal grant and student performance accountability reporting requirements, implementing good business practices~~. This assistance shall address estimating startup costs, projecting enrollment~~, and identifying ~~the types and amounts of~~ state and federal financial aid ~~assistance~~ the center may be eligible to receive. ~~The training shall include instruction in accurate financial planning and good business practices.~~

2. An applicant must participate in the training provided by the department after approval of its ~~of Education before filing an~~ application but at least 30 days before the first day of classes at the center. The department ~~of Education~~ may provide technical assistance to an applicant upon written request.

Section 26. Paragraphs (a) and (b) of subsection (1) and subsection (3) of section 1002.345, Florida Statutes, are amended to read:

1002.345 Determination of deteriorating financial conditions and financial emergencies for charter schools and charter technical career centers.—This section applies to charter schools operating pursuant to s. 1002.33 and to charter technical career centers operating pursuant to s. 1002.34.

(1) EXPEDITED REVIEW; REQUIREMENTS.—

(a) A charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

1. Failure to provide for an audit required by s. 218.39.

2. Failure to comply with reporting requirements pursuant to s. 1002.33(9) or s. 1002.34(11)(f) or (14).

3. A deteriorating financial condition identified through an annual audit pursuant to s. 218.39(5), ~~or~~ a monthly financial statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or a quarterly financial statement pursuant to s. 1002.331(2)(c). "Deteriorating financial condition" means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in s. 218.503(1).

4. Notification pursuant to s. 218.503(2) that one or more of the conditions specified in s. 218.503(1) have occurred or will occur if action is not taken to assist the charter school or charter technical career center.

(b) A sponsor shall notify the governing board and the Commissioner of Education within 7 business days after one or more of the conditions specified in paragraph (a) occur.

~~(3) REPORT.—The Commissioner of Education shall annually report to the State Board of Education each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan under this section.~~

Section 27. Paragraph (a) of subsection (2) of section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student has:

1. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, prior school year in attendance means that the student was enrolled and reported by:

a. A school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

b. The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

c. A school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years of age when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e)~~; or~~

~~3. Been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program surveys, in any of the 5 years prior to the 2010-2011 fiscal year; has a current individualized educational plan developed by the district school board in accordance with rules of the State Board of Education for the John M. McKay Scholarship Program no later than June 30, 2011; and receives a first-time John M. McKay scholarship for the 2011-2012 school year. Upon request of the parent, the local school district shall complete a matrix of services as required in subparagraph (5)(b)1. for a student requesting a current individualized educational plan in accordance with the provisions of this subparagraph~~.

However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders is exempt from this paragraph but must meet all other eligibility requirements to participate in the program.

Section 28. Subsection (5) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(5) Home education students may participate in the Bright Futures Scholarship Program in accordance with the provisions of ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

Section 29. Section 1002.415, Florida Statutes, is repealed.

Section 30. Paragraph (b) of subsection (4) and subsection (10) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(4) CONTRACT REQUIREMENTS.—Each contract with an approved provider must at minimum:

(b) Provide a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12.

(10) MARKETING.—Each school district shall provide information to parents and students about the ~~parent's and~~ student's right to participate in a virtual instruction program under this section and in courses offered by the Florida Virtual School under s. 1002.37.

Section 31. Paragraph (c) of subsection (2) of section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—

(2) A student is eligible to participate in virtual instruction if:

(c) The student was enrolled during the prior school year in a virtual instruction program under s. 1002.45~~, the K-8 Virtual School Program under s. 1002.415,~~ or a full-time Florida Virtual School program under s. 1002.37(8)(a);

Section 32. Section 1002.65, Florida Statutes, is repealed.

Section 33. Subsection (14) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding ~~any~~ extracurricular courses pursuant to subsection (15);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding ~~any~~ extracurricular courses pursuant to subsection (15);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding ~~any~~ extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, ~~1002.415,~~ 1002.45, and 1003.499.

Section 34. Paragraph (d) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(d) *Courses of study and instructional materials.*—

1. Provide adequate instructional materials for all students as follows and in accordance with the requirements of chapter 1006, in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction.

2. Adopt courses of study for use in the schools of the district.

3. Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials as may be needed, and ensure that instructional materials used in the district are consistent with the district goals and objectives and the course descriptions ~~curriculum frameworks~~ approved by the State Board of Education, as well as with the state and school district performance standards required by law and state board rule.

Section 35. Paragraph (c) of subsection (3) and subsection (6) of section 1003.03, Florida Statutes, are amended to read:

1003.03 Maximum class size.—

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1):

(c)1. Repeal district school board policies that require students to earn more than the 24 credits ~~required under s. 1003.428~~ to graduate from high school.

2. Implement the early graduation options ~~option~~ provided in ss. 1002.3105(5) and ~~s.~~ 1003.4281.

(6) COURSES FOR COMPLIANCE.—Consistent with s. ~~the provisions in ss.~~ 1003.01(14) ~~and 1003.428~~, the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this section. The department may adopt rules to implement this subsection, if necessary.

Section 36. Subsection (3) of section 1003.41, Florida Statutes, is amended to read:

1003.41 Next Generation Sunshine State Standards.—

(3) The Commissioner of Education, as needed, shall develop and submit proposed revisions to the standards for review and comment by Florida educators, school administrators, representatives of the Florida College System institutions and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education and careers, business and industry leaders, and the public. The commissioner, after considering reviews and comments, shall submit the proposed revisions to the State Board of Education for adoption. ~~In addition, the commissioner shall prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner shall work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner shall provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.~~

Section 37. Paragraphs (b) and (c) of subsection (1) and subsections (2) and (3) of section 1003.4156, Florida Statutes, are amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(b) Three middle grades or higher courses in mathematics. Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment ~~or, upon transition to common core assessments, the common core Algebra I or geometry assessments required under s. 1008.22~~. ~~However, beginning with the 2011-2012 school year,~~ To earn high school credit for Algebra I, a middle grades student must take the statewide, standardized Algebra I EOC assessment and pass the course, and in addition, beginning with the 2013-2014 school year and thereafter, a student's performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade. ~~pass the Algebra I statewide, standardized assessment, and beginning with the 2012-2013 school year,~~ To earn high school credit for a Geometry course, a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.

(c) Three middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade. A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(2) If a middle grades student scores Level 1 or Level 2 on the statewide, standardized ~~FCAT~~ Reading assessment or, when implemented, ~~the state transitions to common core assessments on~~ the English Language Arts (ELA) assessment ~~assessments required under s. 1008.22~~, the following year the student must enroll in and complete a remedial course or a content area course in which remediation strategies are incorporated into course content delivery. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students performing below grade level.

(3) If a middle grades student scores Level 1 or Level 2 on the statewide, standardized ~~FCAT~~ Mathematics assessment ~~or, when the state transitions to common core assessments, on the mathematics common core assessments required under s. 1008.22~~, the following year the student must receive remediation, which may be integrated into the student's required mathematics courses.

Section 38. Section 1003.428, Florida Statutes, is repealed.

Section 39. Subsection (1) of section 1003.4281, Florida Statutes, is amended to read:

1003.4281 Early high school graduation.—

(1) The purpose of this section is to provide a student the option of early graduation and receipt of a standard high school diploma if the student earns 24 credits and meets the graduation requirements set forth in ~~s. 1003.428 or~~ s. 1003.4282~~, as applicable~~. For purposes of this section, the term "early graduation" means graduation from high school in less than 8 semesters or the equivalent.

Section 40. Paragraphs (a), (b), (c), and (f) of subsection (3), subsections (4), (5), (7), and (8), and paragraphs (a) and (c) of subsection (9) of section 1003.4282, Florida Statutes, are amended, subsection (10) is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(a) *Four credits in English Language Arts (ELA).*—The four credits must be in ELA I, II, III, and IV. A student must pass the statewide, standardized ~~10th~~ grade 10 ~~FCAT~~ Reading assessment or, when implemented, the ~~until the state transitions to a common core 10th~~ grade 10 ELA assessment, or earn a concordant score, ~~after which time a student must pass the ELA assessment~~ in order to earn a standard high school diploma.

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment ~~or common core assessment, as applicable,~~ constitutes 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, ~~until the state transitions to a common core Algebra I assessment after which time a student must pass the common core assessment~~ in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment ~~or common core assessment, as applicable,~~ constitutes 30 percent of the student's final course grade. If ~~When~~ the state administers a statewide, standardized ~~common core~~ Algebra II assessment, a student selecting Algebra II must take the assessment, and the student's performance on the assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra

I and Geometry. ~~Industry certification courses that lead to college credit may substitute for up to two math credits.~~

(c) *Three credits in science.*—Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I. ~~Industry certification courses that lead to college credit may substitute for up to one science credit.~~

(f) *One credit in physical education.*—Physical education must include the integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness developed by the Department of Education must be used. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one–credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan. ~~This requirement is subject to all of the provisions in s. 1003.428(2)(a)6.~~

(4) ONLINE COURSE REQUIREMENT.—~~Excluding a driver education course,~~ At least one course within the 24 credits required under this section must be completed through online learning. Beginning with students entering grade 9 in the 2013-2014 school year, the required online course may not be a driver education course. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. An online course taken in grade 6, grade 7, or grade 8 fulfills this requirement. This requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets this requirement. This requirement does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

(a) Each year a student scores Level 1 or Level 2 on the statewide, standardized ~~9th~~ grade 9 or ~~10th~~ grade 10 ~~FCAT~~ Reading assessment or, when implemented, the ~~9th~~ grade 9, ~~10th~~ grade 10, or ~~11th~~ grade 11 ELA assessment ~~common core English Language Arts (ELA) assessments~~, the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.

(b) Each year a student scores Level 1 or Level 2 on the statewide, standardized Algebra I EOC assessment, ~~or upon transition to the common core Algebra I assessment,~~ the student must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.

(7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

(a) A student who earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale and meets the requirements of this section or s. 1002.3105(5) shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

(b) An adult student in an adult general education program as provided under s. 1004.93 shall be awarded a standard high school diploma if the student meets the requirements of this section or s. 1002.3105(5), except that:

1. One elective credit may be substituted for the one-credit requirement in fine or performing arts, speech and debate, or practical arts.

2. The requirement that two of the science credits include a laboratory component may be waived by the district school board.

3. The one credit in physical education may be substituted with an elective credit. ~~Notwithstanding any other law to the contrary, all students enrolled in high school as of the 2012-2013 school year who earned a passing grade in Biology I or geometry before the 2013-2014 school year shall be awarded a credit in that course if the student passed the course. The student's performance on the EOC assessment is not required to constitute 30 percent of the student's final course grade.~~

(c) A student who earns ~~fails to earn~~ the required 24 credits, or the required 18 credits under s. 1002.3105(5), but fails to pass the assessments required under s. 1008.22(3) or achieve a 2.0 GPA shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a ~~mathematics~~ credit in Algebra I ~~a course that requires passage of a statewide, standardized assessment in order to earn a standard high school diploma~~, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score ~~pursuant to s. 1008.22~~, passed a statewide assessment in Algebra I ~~that subject~~ administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, 20 U.S.C. s. 6301. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ~~FCAT~~ Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score ~~on the SAT or ACT as specified by state board rule or, when the state transitions to common core English Language Arts assessments, earn a passing score on the English Language Arts assessment as required under this section~~. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

(9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. By July 1, 2014, the department shall develop, for approval by the State Board of Education, multiple, additional career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection and allow students to earn credit in both the career education course and courses required for high school graduation under this section and s. ~~ss. 1003.428 and~~ 1003.4281.

1. The state board must determine if sufficient academic standards are covered to warrant the award of academic credit.

2. Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The department shall negotiate state licenses for material and testing for industry certifications. The instructional methodology used in these courses

must be comprised of authentic projects, problems, and activities for contextually learning the academics.

(c) Regional consortium service organizations established pursuant to s. 1001.451 shall work with school districts, local workforce boards, postsecondary institutions, and local business and industry leaders to create career education courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection that students can take to earn required high school course credits. The regional consortium shall submit course recommendations to the department, on behalf of the consortium member districts, for state board approval. A strong emphasis should be placed on online coursework, digital literacy, and workforce literacy as defined in s. 1004.02(26) ~~1004.02(27)~~. For purposes of providing students the opportunity to earn industry certifications, consortiums must secure the necessary site licenses and testing contracts for use by member districts.

(10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The requirements of this section, in addition to applying to students entering grade 9 in the 2013-2014 school year and thereafter, shall also apply to students entering grade 9 before the 2013-2014 school year, except as otherwise provided in this subsection.

(a) A student entering grade 9 before the 2010-2011 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I. A student must pass grade 10 FCAT Mathematics, or earn a concordant score, in order to graduate with a standard high school diploma. A student who takes Algebra I or Geometry after the 2010-2011 school year must take the statewide, standardized EOC assessment for the course but is not required to pass the assessment in order to earn course credit. A student's performance on the Algebra I or Geometry EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I.

3. Three credits in science, two of which must have a laboratory component. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required. A student who takes United States History after the 2011-2012 school year must take the statewide, standardized United States History EOC assessment but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

(b) A student entering grade 9 in the 2010-2011 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I and Geometry. The statewide, standardized Algebra I EOC assessment constitutes 30 percent of the student's final course grade. A student who takes Algebra I or Geometry after the 2010-2011 school year must take the statewide, standardized EOC assessment for the course but is not required to pass the assessment in order to earn course credit. A student's performance on the Geometry EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required. A student who takes United States History after the 2011-2012 school year must take the statewide, standardized United States History EOC assessment but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

(c) A student entering grade 9 in the 2011-2012 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I and Geometry. A student who takes Algebra I after the 2010-2011 school year must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student who takes Algebra I or Geometry after the 2010-2011 school year must take the statewide, standardized EOC assessment but is not required to pass the Algebra I or Geometry EOC assessment in order to earn course credit. A student's performance on the Algebra I or Geometry EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. One of the science credits must be Biology I. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required. A student who takes United States History after the 2011-2012 school year student must take the statewide, standardized United States History EOC assessment but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

8. One online course as provided in subsection (4).

(d) A student entering grade 9 in the 2012-2013 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I and Geometry. A student who takes Algebra I after the 2010-2011 school year must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student who takes Geometry after the 2010-2011 school year must take the statewide, standardized Geometry EOC assessment. A student is not required to pass the statewide, standardized EOC assessment in Algebra I or Geometry in order to earn course credit. A student's performance on the Algebra I or Geometry EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. One of the science credits must be Biology I. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required. The statewide, standardized United States History EOC assessment constitutes 30 percent of the student's final course grade.

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

8. One online course as provided in subsection (4).

(e) Policy adopted in rule by the district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitute 30 percent of a student's final course grade.

(f) This subsection is repealed July 1, 2020.

Section 41. Subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) *Scholar designation.*—In addition to the requirements of s. ~~ss. 1003.428 and~~ 1003.4282, ~~as applicable,~~ in order to earn the Scholar designation, a student must satisfy the following requirements:

1. English Language Arts (ELA).—Beginning with students entering grade 9 in the 2014-2015 school year ~~When the state transitions to common core assessments~~, pass the statewide, standardized ~~11th~~ grade 11 ELA ~~common core~~ assessment.

2. Mathematics.—Earn one credit in Algebra II and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year ~~When the state transitions to common core assessments~~, ~~students must~~ pass the Algebra II and Geometry statewide, standardized assessments ~~common core assessment~~.

3. Science.—Pass the statewide, standardized Biology I EOC ~~end-of-course~~ assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

4. Social studies.—Pass the statewide, standardized United States History EOC ~~end-of-course~~ assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

5. Foreign language.—Earn two credits in the same foreign language.

6. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

(b) *Merit designation.*—In addition to the requirements of s. ~~ss. 1003.428 and~~ 1003.4282, ~~as applicable,~~ in order to earn the Merit designation, a student must attain one or more industry certifications from the list established under s. 1003.492.

Section 42. Section 1003.438, Florida Statutes, is amended to read:

1003.438 Special high school graduation requirements for certain exceptional students.—A student who has been identified, in accordance with rules established by the State Board of Education, as a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory impaired shall not be required to meet all requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. 1008.25, be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 43. Subsection (5) of section 1003.451, Florida Statutes, is repealed.

Section 44. Subsection (1) of section 1003.49, Florida Statutes, is amended to read:

1003.49 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Children and Family Services, the Department of Corrections, the boards of trustees of universities and Florida College System institutions, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12, shall be subject to all applicable requirements of ss. 1002.3105(5), 1003.4281, 1003.4282 ~~1003.428, 1003.429~~, 1008.23, and 1008.25. Within the content of these cited statutes each such state or local public agency or entity shall be considered a "district school board."

Section 45. Paragraph (e) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(4) Each career and professional academy and secondary school providing a career-themed course must:

(e) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.4282 ~~1003.428~~, with an emphasis on strengthening reading for information skills.

Section 46. Subsection (2) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(2) Each middle grades career and professional academy or career-themed course must be aligned with at least one high school career and professional academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards. Middle grades career and professional academies and career-themed courses must:

(a) Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education;

(b) Integrate content from core subject areas;

(c) Integrate career and professional academy or career-themed course content with intensive reading, English Language Arts, and mathematics pursuant to s. ~~ss. 1003.428 and~~ 1003.4282;

(d) Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

Section 47. Paragraph (a) of subsection (1) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1)(a) For purposes of providing exceptional student instruction under this section:

1. A school district shall use the following terms to describe the instructional setting for a student with a disability, 6 through 21 years of age, who is not educated in a setting accessible to all children who are together at all times:

a. "Exceptional student education center" or "special day school" means a separate public school to which nondisabled peers do not have access.

b. "Other separate environment" means a separate private school, residential facility, or hospital or homebound program.

c. "Regular class" means a class in which a student spends 80 percent or more of the school week with nondisabled peers.

d. "Resource room" means a classroom in which a student spends between 40 percent to 80 percent of the school week with nondisabled peers.

e. "Separate class" means a class in which a student spends less than 40 percent of the school week with nondisabled peers.

2. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a teacher ~~student~~ is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

Section 48. Paragraph (a) of subsection (1) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

(a) A school district is an academically high-performing school district if it meets the following criteria:

1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a grade of "A" under s. 1008.34(7) for 2 consecutive years; and

b. Has no district-operated school that earns a grade of "F" under s. 1008.34;

2. Complies with all class size requirements in s. 1, Art. IX of the State Constitution and s. 1003.03; and

3. Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted pursuant to s. 11.45 or s. 218.39.

However, a district in which a district-operated school earns a grade of "F" under s. 1008.34 during the 3-year period may not continue to be designated as an academically high-performing school district during the remainder of that 3-year period. The district must meet the criteria in paragraph (a) in order to be redesignated as an academically high-performing school district.

Section 49. Subsection (4) of section 1004.02, Florida Statutes, is repealed.

Section 50. Section 1004.0961, Florida Statutes, is amended to read:

1004.0961 Credit for online courses.—Beginning in the 2015-2016 school year, the State Board of Education shall adopt rules and the Board of Governors shall adopt regulations ~~rules~~ that enable students to earn academic credit for online courses, including massive open online courses, before ~~prior to~~ initial enrollment at a postsecondary institution. The rules of the State Board of Education and regulations ~~rules~~ of the Board of Governors must include procedures for credential evaluation and the award of credit, including, but not limited to, recommendations for credit by the American Council on Education; equivalency and alignment of coursework with appropriate courses; course descriptions; type and amount of credit that may be awarded; and transfer of credit.

Section 51. Section 1004.3825, Florida Statutes, is repealed.

Section 52. Section 1004.387, Florida Statutes, is repealed.

Section 53. Subsection (2) of section 1004.445, Florida Statutes, is repealed.

Section 54. Section 1004.75, Florida Statutes, is repealed.

Section 55. Subsections (1), (2), and (7) of section 1004.935, Florida Statutes, are amended to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

(1) The Adults with Disabilities Workforce Education Pilot Program is established in the Department of Education through June 30, 2016, ~~for 2 years~~ in Hardee, DeSoto, Manatee, and Sarasota Counties to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

(a) Have a disability;

(b) Are 22 years of age;

(c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

(d) Do not have a standard high school diploma or a special high school diploma; and

(e) Receive "supported employment services," which means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

As used in this section, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) A student participating in the pilot program may continue to participate in the program until the student graduates from high school or reaches the age of 40 ~~30~~ years, whichever occurs first.

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School

District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the ~~2-year~~ pilot program, the scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides.

Section 56. Section 1006.141, Florida Statutes, is repealed.

Section 57. Subsections (4), (5), and (8) of section 1006.147, Florida Statutes, are amended to read:

1006.147 Bullying and harassment prohibited.—

(4) ~~By December 1, 2008,~~ Each school district shall adopt a policy prohibiting bullying and harassment of a ~~any~~ student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy ~~mandated in subsection (5)~~. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.

(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.

(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.

(k) A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

(m) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

~~(5) To assist school districts in developing policies prohibiting bullying and harassment, the Department of Education shall develop a model policy that shall be provided to school districts no later than October 1, 2008.~~

(7)~~(8) Distribution of safe schools funds to a school district provided in the 2009-2010 General Appropriations Act is contingent upon and payable to the school district upon the Department of Education's approval of the school district's bullying and harassment policy. The department's approval of each school district's bullying and harassment policy shall be granted upon certification by the department that the school district's policy has been submitted to the department and is in substantial conformity with the department's model bullying and harassment policy as mandated in subsection (5).~~ Distribution of safe schools funds provided to a school district ~~in fiscal year 2010-2011 and thereafter~~ shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section.

Section 58. Subsection (2) of section 1006.148, Florida Statutes, is repealed.

Section 59. Paragraph (a) of subsection (3) of section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(3)(a) To be eligible to participate in interscholastic extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her junior or senior year.

4. Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies described in s. 1006.07(2). If a student is convicted of, or is found to have committed, a felony or a delinquent act that would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon established and published district school board policy.

Section 60. Subsection (1) and paragraph (a) of subsection (2) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student

in the core subject areas ~~courses~~ of mathematics, language arts, social studies, science, reading, and literature. The district school board has the following specific duties:

(a) *Courses of study; adoption.*—Adopt courses of study for use in the schools of the district.

(b) *Instructional materials.*—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. ~~The district school board shall ensure that~~ Instructional materials used must be ~~in the district are~~ consistent with the district goals and objectives and the course descriptions established in rule of the State Board of Education, as well as with the applicable Next Generation Sunshine State ~~and district performance~~ Standards provided for in s. 1003.41 ~~1001.03(1)~~.

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3)~~, as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35~~.

Section 61. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use ~~evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement~~ the selection criteria listed in s. 1006.34(2)(b) ~~developed by the department~~ and recommend for adoption only those instructional materials aligned with the Next Generation Sunshine State ~~those curricular objectives included within applicable performance~~ Standards provided for in s. 1003.41 ~~1001.03(1)~~.

(a) When recommending instructional materials for use in the schools, each reviewer shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each reviewer shall include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each reviewer shall require such materials as he or she deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each reviewer shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) Any instructional material recommended by each reviewer for use in the schools shall be, to the satisfaction of each reviewer, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels. Reviewers shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

Section 62. Paragraph (b) of subsection (2) of section 1006.34, Florida Statutes, is amended to read:

1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.—

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

(b) In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

1. The age of the students who normally could be expected to have access to the material.

2. The educational purpose to be served by the material. ~~In considering instructional materials for classroom use,~~ Priority shall be given to the selection of materials that align with the Next Generation Sunshine State Standards as provided for in s. 1003.41 ~~which encompass the state and district school board performance standards provided for in s. 1001.03(1)~~ and ~~which~~ include the instructional objectives contained within the curriculum frameworks for career and technical education and adult and adult general education adopted ~~approved~~ by rule of the State Board of Education under s. 1004.92.

3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.

Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.

Section 63. Subsection (2) and paragraph (a) of subsection (3) of section 1006.40, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2) Each district school board must purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 3 years after the effective date of the adoption cycle unless a district school board or a consortium of school districts has implemented an instructional materials program pursuant to s. 1006.283. ~~For the 2012-2013 mathematics adoption, a district using a comprehensive mathematics instructional materials program adopted in the 2009-2010 adoption shall be deemed in compliance with this subsection if it provides each student with such additional state-adopted materials as may be necessary to align the previously adopted comprehensive program to common core standards and the other criteria of the 2012-2013 mathematics adoption.~~

(3)(a) Beginning with ~~By~~ the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). ~~This section does not apply to a district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283, except that by the 2015-2016 fiscal year,~~

~~each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards.~~

(8) Subsections (3), (4), and (6) do not apply to a district school board or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283 except that, by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual instructional materials allocation for the purchase of digital or electronic instructional materials that align with state standards adopted by the State Board of Education pursuant to s. 1003.41.

Section 64. Section 1006.42, Florida Statutes, is amended to read:

1006.42 Responsibility of students and parents for instructional materials.—

~~(1)~~ All instructional materials purchased under the provisions of this part are the property of the district school board. When distributed to the students, these instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided under s. 1006.28(3) ~~by law~~.

~~(2) Nothing in this part shall be construed to prohibit parents from exercising their right to purchase instructional materials from the district school board.~~

Section 65. Section 1007.02, Florida Statutes, is amended to read:

1007.02 ~~Access to postsecondary education and meaningful careers for~~ Students with disabilities; ~~popular name;~~ definition.—

~~(1) This section shall be known by the popular name the "Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act."~~

~~(2)~~ For the purposes of this chapter ~~act~~, the term "student with a disability" means a ~~any~~ student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

Section 66. Paragraph (a) of subsection (1) and subsection (3) of section 1007.2615, Florida Statutes, are amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—

(a) The Legislature finds that:

1. American Sign Language (ASL) is a fully developed visual-gestural language with distinct grammar, syntax, and symbols and is one of hundreds of signed languages of the world.

2. ASL is recognized as the language of the American deaf community and is the fourth most commonly used language in the United States and Canada.

3. The American deaf community is a group of citizens who are members of a unique culture who share ASL as their common language.

~~4. Thirty-three state legislatures have adopted legislation recognizing ASL as a language that should be taught in schools.~~

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

~~(a) The Commissioner of Education shall appoint a seven-member task force that includes representatives from two state universities and one private college or university located within this state which currently offer a 4-year deaf education or sign language interpretation program as a part of their respective curricula, two representatives from the Florida American Sign Language Teachers' Association (FASLTA), and two representatives from Florida College System institutions located within this state which have established Interpreter Training Programs (ITPs). This task force shall develop and submit to the Commissioner of Education a report that contains the most up-to-date information about American Sign Language (ASL) and guidelines for developing and maintaining ASL courses as a part of the curriculum. This information must be made available to any administrator of a public or an independent school upon request of the administrator.~~

(a)~~(b) By January 1, 2005,~~ The State Board of Education shall adopt rules establishing licensing/certification standards to be applied to teachers who teach American Sign Language (ASL) ~~ASL~~ as part of a school curriculum. ~~In developing the rules, the state board shall consult with the task force established under paragraph (a).~~

(b)~~(c)~~ An ASL teacher must be certified by the Department of Education ~~by July 1, 2009~~.

(c)~~(d)~~ The Commissioner of Education shall work with providers of postsecondary education, except for state universities, to develop and implement a plan to ensure that these institutions in this state will accept secondary school credits in ASL as credits in a foreign language and to encourage postsecondary institutions to offer ASL courses to students as a fulfillment of the requirement for studying a foreign language.

Section 67. Subsection (4) of section 1007.263, Florida Statutes, is amended to read:

1007.263 Florida College System institutions; admissions of students.—Each Florida College System institution board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Education. These rules shall include the following:

(4) A student who has been awarded a special diploma under ~~as defined in~~ s. 1003.438 or a certificate of completion under ~~as defined in~~ s. 1003.4282 ~~1003.428(7)(b)~~ is eligible to enroll in certificate career education programs.

Each board of trustees shall establish policies that notify students about developmental education options for improving their communication or computation skills that are essential to performing college-level work, including tutoring, extended time in gateway courses, free online courses, adult basic education, adult secondary education, or private provider instruction.

Section 68. Subsection (1) of section 1007.264, Florida Statutes, is amended to read:

1007.264 Persons with disabilities; admission to postsecondary educational institutions; substitute requirements; rules and regulations.—

(1) A ~~Any~~ student with a disability~~, as defined in s. 1007.02(2),~~ who is otherwise eligible shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person's failure to meet the admission requirement is related to the disability.

Section 69. Subsection (1) of section 1007.265, Florida Statutes, is amended to read:

1007.265 Persons with disabilities; graduation, study program admission, and upper-division entry; substitute requirements; rules and regulations.—

(1) A ~~Any~~ student with a disability~~, as defined in s. 1007.02(2),~~ in a public postsecondary educational institution shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

Section 70. Subsections (2) and (9) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public ~~secondary~~ school or in a Florida private ~~secondary~~ school that ~~which~~ is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to ~~s. 1003.428 or~~ s. 1003.4282. Students who are eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not

register for that course through dual enrollment. The student may apply to the postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). A ~~Any~~ student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, and laboratory fees. Applied academics for adult education instruction, developmental education, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(9) The Commissioner of Education shall appoint faculty committees representing public school, Florida College System institution, and university faculties to identify postsecondary courses that meet the high school graduation requirements of ~~s. 1003.428 or~~ s. 1003.4282 and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to this section that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their course numbers, and all high schools shall accept these postsecondary education courses toward meeting the requirements of ~~s. 1003.428 or~~ s. 1003.4282.

Section 71. Subsections (3), (7), and (8) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard ~~an adult~~ high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law ~~prescribed by the commissioner~~. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) *Statewide, standardized comprehensive assessments* ~~*Florida Comprehensive Assessment Test (FCAT) until replaced by common core assessments.*~~—The statewide, standardized ~~FCAT~~ Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 11. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized~~; FCAT~~ Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized~~; FCAT Writing shall be administered annually at least once at the elementary, middle, and high school levels; and FCAT~~ Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 ~~FCAT~~ Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (7) ~~must participate in each retake of the assessment until the student earns a passing score. The commissioner shall recommend and the State Board of Education must adopt a score on both the SAT and ACT that is concordant to a passing score on grade 10 FCAT Reading that, if achieved by a student, meets the must-pass requirement for grade 10 FCAT Reading~~.

(b) *End-of-course (EOC) assessments.*—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. Statewide, standardized EOC assessments in mathematics shall be administered according to this subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I must take the Algebra I EOC assessment. Except as otherwise provided in paragraph (c) ~~this section~~, beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I must earn a passing score on the Algebra I EOC assessment or attain a comparative score as authorized under subsection (8) in order to earn a standard high school diploma. In order to earn a standard high school diploma, a student who has not earned a passing score on the Algebra I EOC assessment must earn a passing score on the assessment retake or a comparative score as authorized under subsection (8) ~~must participate in each retake of the assessment until the student earns a passing score~~. Beginning with the 2011-2012 school year, all students enrolled in Geometry must take the Geometry EOC assessment. Middle grades students enrolled in Algebra I, ~~or~~ Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and shall ~~are~~ not ~~required to~~ take the corresponding subject and grade-level statewide, standardized assessment ~~FCAT~~. When a statewide, standardized EOC assessment in Algebra II is administered, all students enrolled in Algebra II must take the EOC assessment. Pursuant to the commissioner's implementation schedule, student performance on the Algebra II EOC assessment constitutes 30 percent of a student's final course grade.

2. Statewide, standardized EOC assessments in science shall be administered according to this subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I must take the Biology I EOC assessment. Beginning with students entering grade 9 in the 2013-2014 school year, performance on the Biology I EOC assessment constitutes 30 percent of the student's final course grade.

3. ~~During the 2012-2013 school year, an EOC assessment in civics education shall be administered as a field test at the middle grades level.~~ Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized middle grades Civics EOC assessment ~~in civics education~~ constitutes 30 percent of the student's final course grade in civics education.

4. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

5. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board, in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

6. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(c) *Students with disabilities; Florida Alternate Assessment.*—

1. Each district school board must provide instruction to prepare students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.

2. A student with a disability, as defined in s. 1007.02 ~~1007.02(2)~~, for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript. The statement of waiver shall be limited to a statement that performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable.

3. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of assessment accommodations for students with disabilities and for students who have limited English proficiency.

a. Accommodations that negate the validity of a statewide, standardized assessment are not allowed during the administration of the assessment. However, instructional accommodations are allowed in the classroom if identified in a student's IEP. Students using instructional accommodations in the classroom that are not allowed on a statewide, standardized assessment may have assessment results waived if the IEP team determines that the assessment cannot accurately measure the student's abilities.

b. If a student is provided with instructional accommodations in the classroom that are not allowed as accommodations for statewide, standardized assessments, the district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations.

c. If a student's IEP states that online administration of a statewide, standardized assessment will significantly impair the student's ability to perform, the assessment shall be administered in hard copy.

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

(d) *Implementation schedule* ~~*Common core assessments in English Language Arts (ELA) and mathematics.*~~—

~~1. Contingent upon funding, common core assessments in ELA shall be administered to students in grades 3 through 11. Retake opportunities for the grade 10 assessment must be provided. Students taking the ELA assessments are not required to take the assessments in FCAT Reading or FCAT Writing. Common core ELA assessments shall be administered online.~~

~~2. Contingent upon funding, common core assessments in mathematics shall be administered to all students in grades 3 through 8, and common core assessments in Algebra I, Geometry, and Algebra II shall be administered to students enrolled in those courses. Retake opportunities must be provided for the Algebra I assessment. Students may take the common core mathematics assessments pursuant to the Credit Acceleration Program (CAP) under s. 1003.4295(3). Students taking common core assessments in mathematics are not required to take FCAT Mathematics or statewide, standardized EOC assessments in mathematics. Common core mathematics assessments shall be administered online.~~

1.~~3.~~ The Commissioner ~~State Board~~ of Education shall establish and publish on the department's website ~~adopt rules establishing~~ an implementation schedule to transition from the statewide, standardized ~~FCAT~~ Reading and~~,~~ ~~FCAT~~ Writing assessments to the ELA assessments and to the revised~~, FCAT~~ Mathematics assessments, including the~~, and~~ Algebra I and Geometry EOC assessments ~~to common core assessments in English Language Arts and mathematics~~. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the ~~common core~~ assessments online. ~~Until the 10th grade common core ELA and Algebra I assessments become must-pass assessments, students must pass 10th grade FCAT Reading and the Algebra I EOC assessment, or achieve a concordant or comparative score as authorized under this section, in order to earn a standard high school diploma under s. 1003.4282. Students taking 10th grade FCAT Reading or the Algebra I EOC assessment are not required to take the respective common core assessments.~~

2.~~4.~~ The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirement that ~~common core~~ assessments be administered online.

(e) *Assessment scores and achievement levels.*—

1. All statewide, standardized EOC assessments and ~~FCAT~~ Reading, ~~FCAT~~ Writing, and ~~FCAT~~ Science assessments shall use scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of the statewide, standardized ~~FCAT~~ Writing assessment, student achievement shall be scored using a scale of 1 through 6.

2. The state board shall designate by rule a passing score for each statewide, standardized ~~EOC and FCAT~~ assessment. ~~In addition, the state board shall designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.~~

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

(f) *Assessment schedules and reporting of results.*—The Commissioner of Education shall establish schedules for the administration of assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedule. By August 1 of each year, the commissioner shall notify each school district in writing and publish on the department's website the assessment and reporting schedules for, at a minimum, the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. Assessment results for the statewide, standardized ~~FCAT~~ Reading assessments, or upon implementation the ELA assessments, and ~~FCAT~~ Mathematics assessments, including the EOC assessments in Algebra I and Geometry, must be made available no later than the week of June 8. The administration of the statewide, standardized ~~FCAT~~ Writing assessment and the Florida Alternate Assessment may be no earlier than the week of March 1. School districts shall administer assessments in accordance with the schedule established by the commissioner.

(g) *Prohibited activities.*—A district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice assessments or engaging in other assessment-preparation activities for a statewide, standardized assessment. However, a

district school board may authorize a public school to engage in the following assessment-preparation activities:

1. Distributing to students sample assessment books and answer keys published by the Department of Education.

2. Providing individualized instruction in assessment-taking strategies, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment.

3. Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

4. Administering a practice assessment or engaging in other assessment-preparation activities that are determined necessary to familiarize students with the organization of the assessment, the format of assessment items, and the assessment directions or that are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education with specific reference to this paragraph.

(h) *Contracts for assessments.*—The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

(7) CONCORDANT SCORES ~~FOR 10TH GRADE FCAT READING~~.~~ Until the state transitions to common core English Language Arts assessments,~~ The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 statewide, standardized ~~10th grade FCAT~~ Reading assessment or, upon implementation, the grade 10 ELA assessment. The commissioner may identify concordant scores on ~~other~~ assessments other than the SAT and ACT ~~as well~~. If the content or scoring procedures change for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment ~~10th grade FCAT Reading~~, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

(8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT ~~ASSESSMENTS~~.—The Commissioner of Education must identify one or more comparative scores for the Algebra I EOC assessment ~~and may identify comparative scores for the other EOC assessments~~. If the content or scoring procedures change for the EOC assessment ~~assessments~~, new comparative scores must be determined. If new comparative scores are not timely adopted, the last-adopted comparative scores remain in effect until such time as new scores are adopted. The state board shall adopt comparative scores in rule.

Section 72. Paragraph (h) of subsection (2), paragraph (a) of subsection (4), paragraph (b) of subsection (6), and paragraph (b) of subsection (7) of section 1008.25, Florida Statutes, are amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must:

(h) Provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to ss. 1003.41 and 1003.4203 through attainment of industry certifications and other means of demonstrating credit requirements identified under ss. 1002.3105, 1003.4203, ~~1003.428,~~ and 1003.4282.

(4) ASSESSMENT AND REMEDIATION.—

(a) Each student must participate in the statewide, standardized assessment program required by s. 1008.22. Each student who does not meet specific levels of performance on the required assessments as determined by the district school board or who scores below Level 3 on the statewide, standardized Reading assessment or, upon implementation, the English Language Arts assessment or on the statewide, standardized Mathematics assessments in grades 3 through 8 and the Algebra I EOC assessment ~~FCAT Reading or FCAT Mathematics or on the common core English Language Arts or mathematics assessments as applicable under s. 1008.22~~ must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212 ~~State Board of Education rule~~.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized ~~FCAT~~ Reading assessment or, upon implementation, the ~~common core~~ English Language Arts assessment~~, as applicable under s. 1008.22~~.

5. Students with disabilities who take the statewide, standardized ~~participate in FCAT~~ Reading assessment or, upon implementation, the ~~common core~~ English Language Arts assessment~~, as applicable under s. 1008.22,~~ and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading or ~~and~~ English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive remediation in reading or ~~and~~ English Language Arts~~, as applicable under s. 1008.22,~~ for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(b) Each school district shall:

1. Provide third grade students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a) and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

a. Integration of science and social studies content within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

f. Transition classes containing 3rd and 4th grade students.

g. Extended school day, week, or year.

2. Provide written notification to the parent of a ~~any~~ student who is retained under the provisions of paragraph (5)(b) that his or her child has not

met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

3. Implement a policy for the midyear promotion of a ~~any~~ student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of ~~and~~ English Language Arts assessments, performing at or above grade level in English Language Arts~~, as applicable under s. 1008.22~~. Tools that school districts may use in reevaluating a ~~any~~ student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education.

4. Provide students who are retained under the provisions of paragraph (5)(b) with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34.

5. Establish at each school, when applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score Level 1 on the required statewide, standardized assessment identified in s. 1008.22. The focus of the Intensive Acceleration Class shall be to increase a child's reading and English Language Arts skill level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to a ~~any~~ student in grade 3 who scores Level 1 on the statewide, standardized ~~FCAT~~ Reading assessment or, upon implementation, the ~~common core~~ English Language Arts assessment~~, as applicable under s. 1008.22,~~ and who was retained in grade 3 the prior year because of scoring Level 1.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

Section 73. Paragraphs (b) and (c) of subsection (4) and subsections (5) and (7) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(4)

(b) ~~Except as provided in subsection (5),~~ The turnaround options available to a school district to address a school that earns a grade of "F" are:

1. Convert the school to a district-managed turnaround school;

2. Reassign students to another school and monitor the progress of each reassigned student;

3. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;

4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or

5. Implement a hybrid of turnaround options set forth in subparagraphs 1.-4. or other turnaround models that have a demonstrated record of effectiveness.

(c) ~~Except for schools required to implement a turnaround option pursuant to subsection (5),~~ A school earning a grade of "F" shall have a planning year followed by 2 full school years to implement the initial turnaround option selected by the school district and approved by the state board. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.

~~(5) A school that earns a grade of "F" within 2 years after raising its grade from a grade of "F" or that earns a grade of "F" within 2 years after exiting the lowest-performing category under s. 3, chapter 2009-144, Laws of Florida, must implement one of the turnaround options in subparagraphs (4)(b)2.-5.~~

~~(7) A school classified in the lowest-performing category under s. 3, chapter 2009-144, Laws of Florida, before July 1, 2012, is not required to continue implementing any turnaround option unless the school earns a grade of "F" or a third consecutive "D" for the 2011-2012 school year. A school earning a grade of "F" or a third consecutive "D" for the 2011-2012 school year may not restart the number of years it has been low-performing by virtue of the 2012 amendments to this section.~~

Section 74. Section 1008.331, Florida Statutes, is repealed.

Section 75. Subsection (2) of section 1008.3415, Florida Statutes, is amended to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(2) Notwithstanding s. 1008.34(3)(c)3., the achievement scores and learning gains of a student with a disability who attends an exceptional student education center and has not been enrolled in or attended a public school other than an exceptional student education center for grades K-12 within the school district shall not be included in the calculation of the home school's grade if the student is identified as an emergent student on the alternate assessment ~~tool~~ described in s. 1008.22(3)(c) ~~1008.22(3)(c)13~~.

Section 76. Section 1008.35, Florida Statutes, is repealed.

Section 77. Subsection (3) of section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Residency of students shall be determined as required in s. 1009.21. Fee-nonexempt students enrolled in applied academics for adult education instruction shall be charged fees equal to the fees charged for adult general education programs. Each Florida College System institution that conducts developmental education and applied academics for adult education instruction in the same class section may charge a single fee for both types of instruction.

(b) Fees for continuing workforce education shall be locally determined by the district school board or Florida College System institution board of trustees. Expenditures for the continuing workforce education program provided by the Florida College System institution or school district must be fully supported by fees. Enrollments in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment.

(c) ~~Effective July 1, 2011,~~ For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be $6.66 per contact hour. For adult general education programs, a block tuition of $45 per half year or $30 per term shall be assessed for residents and nonresidents, and the out-of-state fee shall be $135 per half year or $90 per term. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7).

(d) ~~Beginning with the 2008-2009 fiscal year and each year thereafter,~~ The tuition and the out-of-state fee per contact hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the tuition and out-of-state fee shall remain at the same level as the prior fiscal year.

(e) Each district school board and each Florida College System institution board of trustees may adopt tuition and out-of-state fees that ~~may~~ vary no more than 5 percent below or ~~and~~ 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).

~~(f) The maximum increase in resident tuition for any school district or Florida College System institution during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.~~

(f)~~(g)~~ The State Board of Education may adopt, by rule, the definitions and procedures that district school boards and Florida College System institution boards of trustees shall use in the calculation of cost borne by students.

Section 78. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1)(a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or Florida College System institution; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the State Board of Education; a ~~any~~ Florida institution the credits of which are acceptable for transfer to state universities; a ~~any~~ career center; or a ~~any~~ private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.56,~~ s. 1009.60, s. 1009.62, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of a ~~any~~ pending application and revocation of an ~~any~~ award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants commit a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

Section 79. Subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) ~~Effective January 1, 2008,~~ In order to be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 1009.40 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school equivalency diploma ~~its equivalent~~ pursuant to ~~s. 1003.428, s. 1003.4281, s. 1003.4282, or~~ s. 1003.435 unless:

1. The student completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or entered a plea of nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by high school graduation. However, a student who graduates from high school midyear must apply no later than August 31 of the student's graduation year in order to be evaluated for and, if eligible, receive an award for the current academic year.

Section 80. Paragraph (c) of subsection (3) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(3)

(c) A student who is initially eligible in the 2012-2013 academic year and thereafter may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program, a baccalaureate degree program, or a postsecondary career certificate program or, for a Florida Gold Seal Vocational Scholars award, may receive an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours. A student who transfers from one of these program levels to another program level becomes eligible for the higher of the two credit hour limits.

Section 81. Paragraph (c) of subsection (4) of section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(4)

(c) A student who is initially eligible in the 2012-2013 academic year and thereafter may earn a Florida Gold Seal Vocational Scholarship for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours.

Section 82. Section 1009.56, Florida Statutes, is repealed.

Section 83. Section 1009.69, Florida Statutes, is repealed.

Section 84. Subsection (1) of section 1009.91, Florida Statutes, is amended to read:

1009.91 Assistance programs and activities of the department.—

(1) The department may contract for the administration of the student financial assistance programs as specifically provided in ss. 295.01, 1009.29, ~~1009.56,~~ and 1009.78.

Section 85. Paragraph (c) of subsection (2) of section 1009.94, Florida Statutes, is amended to read:

1009.94 Student financial assistance database.—

(2) For purposes of this section, financial assistance includes:

(c) Any financial assistance provided under s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, ~~s. 1009.56,~~ s. 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

Section 86. Part V of chapter 1009, Florida Statutes, consisting of sections 1009.99, 1009.991, 1009.992, 1009.993, 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975, 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981, 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986, 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991, 1009.9992, 1009.9993, and 1009.9994, is repealed.

Section 87. Paragraph (b) of subsection (13) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change required by final judicial decision, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. ~~Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district.~~ Beginning with the 2011-2012 fiscal year, if a special program cost factor is less than the basic program cost factor, an audit adjustment may not result in the reclassification of the special program FTE to the basic program FTE. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

Section 88. Paragraphs (b) and (c) of subsection (3) of section 1011.71, Florida Statutes, are repealed.

Section 89. Subsection (4) of section 1011.76, Florida Statutes, is repealed.

Section 90. Paragraph (b) of subsection (1) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(1) As used in this section, the terms "workforce education" and "workforce education program" include:

(b) Career certificate programs, as defined in s. 1004.02(20) ~~1004.02(21)~~.

Section 91. Paragraphs (b), (f), (j), (m), and (p) of subsection (2) and subsection (6) of section 1012.05, Florida Statutes, are amended to read:

1012.05 Teacher recruitment and retention.—

(2) The Department of Education shall:

(b) Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions, if needed.

(f) Develop and distribute promotional materials related to teaching as a career, if needed.

~~(j) Develop, in consultation with school district staff including, but not limited to, district school superintendents, district school board members, and district human resources personnel, a long-range plan for educator recruitment and retention.~~

~~(m) Develop and implement a First Response Center to provide educator candidates one-stop shopping for information on teaching careers in Florida and establish the Teacher Lifeline Network to provide online support to beginning teachers and those needing assistance.~~

(n)~~(p)~~ Notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, ~~the Excellent Teaching Program,~~ the Florida Teachers Classroom Supply Assistance Program, ~~liability insurance protection for teachers,~~ death benefits for teachers, substantive legislation, rules of the State Board of Education, and issues concerning student achievement.

~~(6) The Commissioner of Education shall take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria as defined in the No Child Left Behind Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).~~

Section 92. Paragraph (b) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(b) *Time to act on nominations.*—The district school board shall act no ~~not~~ later than 3 weeks following the receipt of statewide, standardized assessment scores and data under s. 1008.22 and~~, including~~ school grades, or June 30, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.

Section 93. Subsection (9) of section 1012.33, Florida Statutes, is repealed.

Section 94. Paragraph (b) of subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 1012.34, Florida Statutes, are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(b) The department must approve each school district's instructional personnel and school administrator evaluation systems. The department shall monitor each district's implementation of its instructional personnel and school administrator evaluation systems for compliance with the requirements of this section and s. 1012.3401.

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria approved to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least 50 percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(6) ~~1008.22(8)~~. Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).

a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth portion of the evaluation must include growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 40 percent.

b. For instructional personnel who are not classroom teachers, the student learning growth portion of the evaluation must include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years, or may include a combination of student learning growth data and other measurable student outcomes that are specific to the assigned position, provided that the student learning growth data accounts for not less than 30 percent of the evaluation. If less than 3 years of student growth data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 20 percent.

c. For school administrators, the student learning growth portion of the evaluation must include growth data for students assigned to the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation

based upon student learning growth may be reduced to not less than 40 percent.

2. Instructional practice.—Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

3. Instructional leadership.—For school administrators, evaluation criteria must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. Professional and job responsibilities.—For instructional personnel and school administrators, other professional and job responsibilities must be included as adopted by the State Board of Education. The district school board may identify additional professional and job responsibilities.

(6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT EVALUATION SYSTEMS.—The district school board shall establish a procedure for annually reviewing instructional personnel and school administrator evaluation systems to determine compliance with this section and s. 1012.3401. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to evaluate instructional personnel or school administrators. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an evaluation system.

Section 95. Section 1012.44, Florida Statutes, is amended to read:

1012.44 Qualifications for certain persons providing speech-language services.—The State Board of Education shall adopt rules for speech-language services to school districts that qualify for the sparsity supplement as described in s. 1011.62(7). These services may be provided by baccalaureate degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher. ~~By October 1, 2003, these rules shall be reviewed by the State Board of Education.~~

Section 96. Section 1012.561, Florida Statutes, is amended to read:

1012.561 Address of record.—Each certified educator or applicant for certification is solely responsible for maintaining his or her current address with the Department of Education and for notifying the department in writing of a change of address. ~~By January 1, 2005, each educator and applicant for certification must have on file with the department a current mailing address. Thereafter,~~ A certified educator or applicant for certification who is employed by a district school board shall notify his or her employing school district within 10 days after a change of address. At a minimum, the employing district school board shall notify the department monthly of the addresses of the certified educators or applicants for certification in the manner prescribed by the department. A certified educator or applicant for certification who is not employed by a district school board shall personally notify the department in writing within 30 days after a change of address. The department shall permit electronic notification; however, it is the responsibility of the certified educator or applicant for certification to ensure that the department has received the electronic notification.

Section 97. Section 1012.595, Florida Statutes, is repealed.

Section 98. Subsections (2), (3), and (4) of section 1012.885, Florida Statutes, are amended to read:

1012.885 Remuneration of Florida College System institution presidents; limitations.—

~~(2) LIMITATION ON COMPENSATION. Notwithstanding any other law, resolution, or rule to the contrary, a Florida College System institution president may not receive more than $225,000 in remuneration annually from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.~~

(2)~~(3)~~ EXCEPTIONS.—This section does not prohibit a ~~any~~ party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a Florida College System institution president in excess of the limit in subsection (3) ~~(2)~~. If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a Florida College System institution president as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation.

(3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law, resolution, or rule to the contrary ~~the provisions of this section~~, a Florida College System institution president may not receive more than $200,000 in remuneration from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.

Section 99. Subsections (2), (3), and (4) of section 1012.975, Florida Statutes, are amended to read:

1012.975 Remuneration of state university presidents; limitations.—

~~(2) LIMITATION ON COMPENSATION. Notwithstanding any other law, resolution, or rule to the contrary, a state university president may not receive more than $225,000 in remuneration annually from public funds. Only compensation, as such term is defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.~~

(2)~~(3)~~ EXCEPTIONS.—This section does not prohibit a ~~any~~ party from providing cash or cash-equivalent compensation from funds that are not public funds to a state university president in excess of the limit in subsection (3) ~~(2)~~. If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university president as permitted under this subsection, public funds may not be used to fulfill such obligation.

(3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law, resolution, or rule to the contrary ~~the provisions of this section~~, a state university president may not receive more than $200,000 in remuneration from public funds. Only compensation, as defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.

Section 100. Subsection (12) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(12) The department shall require teachers in grades K-12 ~~1-12~~ to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

Section 101. Paragraph (f) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(f) Not less than once every 5 years, the district school board shall have an ~~a financial management and performance~~ audit conducted of the district's educational planning and construction activities ~~of the district~~. An operational audit conducted by ~~the Office of Program Policy Analysis and Government Accountability and~~ the Auditor General pursuant to s. 11.45 ~~1008.35~~ satisfies this requirement.

Section 102. Section 1013.47, Florida Statutes, is amended to read:

1013.47 Substance of contract; contractors to give bond; penalties.—Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for a ~~any~~ failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive

for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. A board or other public entity may not require a contractor to secure a surety bond under s. 255.05 from a specific agent or bonding company. ~~Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.~~ A person, firm, or corporation that constructs any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education or regulations of the Board of Governors relating to building standards or specifications is subject to forfeiture of the surety bond and unpaid compensation in an amount sufficient to reimburse the board for any costs that will need to be incurred in making any changes necessary to assure that all requirements are met and is also guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 103. Section 1013.49, Florida Statutes, is repealed.

Section 104. Section 1013.512, Florida Statutes, is repealed.

Section 105. Section 20 of chapter 2010-24, Laws of Florida, is repealed.

Section 106. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit; amending s. 120.74, F.S.; exempting educational units from rule review and reporting requirements; amending s. 120.81, F.S.; conforming cross-references; amending s. 409.1451, F.S.; conforming cross-references; amending s. 496.404, F.S.; conforming cross-references; amending s. 775.215, F.S.; conforming cross-references; amending s. 984.151, F.S.; authorizing a district school superintendent's designee to submit a truancy petition; repealing s. 1000.01(5), F.S., relating to obsolete education governance transfers; amending s. 1000.21, F.S.; revising the definition of the term "Next Generation Sunshine State Standards"; repealing ss. 1000.33 and 1000.37, F.S., relating to the distribution of copies of educational compacts to other states; amending s. 1001.10, F.S.; deleting and revising certain duties of the Commissioner of Education relating to educational plans and programs; repealing s. 1001.25, F.S, relating to educational television; amending s. 1001.26, F.S.; revising Department of Education duties relating to the public broadcasting program system; prohibiting the use of educational television stations for the advancement of political candidates; providing penalties; amending s. 1001.34, F.S.; establishing a process for modifying the membership of a district school board; providing for a referendum; repealing ss. 1001.47(7) and 1001.50(6), F.S., relating to obsolete district school superintendent salary provisions; repealing s. 1001.62, F.S., relating to obsolete provisions for the transfer of benefits arising under local or special acts; repealing s. 1001.73(3), F.S., relating to the abolished Board of Regents as trustee; amending s. 1002.20, F.S.; correcting cross-references and conforming provisions; amending s. 1002.31, F.S.; revising provisions relating to school district controlled open enrollment plans; amending s. 1002.3105, F.S.; conforming provisions; amending s. 1002.321, F.S.; conforming provisions; amending s. 1002.33, F.S.; deleting required training before charter school application; conforming cross-references and provisions; amending s. 1002.34, F.S.; conforming cross-references; revising provisions relating to department assistance to charter technical career centers; amending s. 1002.345, F.S.; revising provisions relating to expedited review of deteriorating financial conditions for a charter school or charter technical career center; deleting an annual reporting requirement; amending s. 1002.39, F.S.; deleting obsolete provisions relating to eligibility for a John M. McKay Scholarship; amending s. 1002.41, F.S.; correcting cross-references; repealing s. 1002.415, F.S., relating to the K-8 Virtual School Program; amending s. 1002.45, F.S.; conforming cross-references; amending s. 1002.455, F.S.; conforming provisions; repealing s. 1002.65, F.S., relating to aspirational goals for credentials of prekindergarten instructors; amending s. 1003.01, F.S.; conforming cross-references; amending s. 1003.02, F.S.; requiring instructional materials to be consistent with course descriptions; amending s. 1003.03, F.S.; conforming cross-references; amending s. 1003.41, F.S.; deleting an obsolete cost analysis requirement relating to a separate financial literacy course; amending s. 1003.4156, F.S.; revising course and assessment requirements for middle grades students for promotion to high school; providing an exemption for transfer students from certain course grade and assessment requirements; repealing s. 1003.428, F.S., relating to obsolete requirements for high school graduation; amending s. 1003.4281, F.S.; conforming cross-references; amending s. 1003.4282, F.S.; revising course and assessment requirements for the award of a standard high school diploma; providing requirements for a student in an adult general education program to be awarded a standard high school diploma; revising requirements for award of a certificate of completion; providing an exemption for transfer students from certain course grade and assessment requirements; providing specificity regarding course and assessment requirements for graduation for certain cohorts of high school students transitioning to new graduation requirements; providing for future repeal of transition requirements; amending s. 1003.4285, F.S.; revising requirements for standard high school diploma designations; amending s. 1003.438, F.S.; conforming cross-references; repealing s. 1003.451(5), F.S., relating to State Board of Education rulemaking; amending s. 1003.49, F.S.; conforming cross-references; amending s. 1003.493, F.S.; conforming a cross-reference; amending s. 1003.4935, F.S.; conforming a cross-reference; amending s. 1003.57, F.S., relating to exceptional student instruction; amending s. 1003.621, F.S.; revising audit criteria for academically high-performing school districts; repealing s. 1004.02(4), F.S., relating to the definition of the term "adult high school credit program"; amending s. 1004.0961, F.S.; providing for Board of Governors regulations; repealing s. 1004.3825, F.S., relating to authorization for a medical degree program; repealing s. 1004.387, F.S., relating to authorization for a pharmacy degree program; repealing s. 1004.445(2), F.S., relating to the board of directors of the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute; repealing s. 1004.75, F.S., relating to training school consolidation pilot projects; amending s. 1004.935, F.S.; revising the effective date of the Adults with Disabilities Workforce Education Pilot Program; increasing the age limitation for a program participant; conforming cross-references; repealing s. 1006.141, F.S., relating to a statewide school safety hotline; amending s. 1006.147, F.S.; deleting obsolete provisions relating to school district bullying and harassment policies; repealing s. 1006.148(2), F.S., relating to a department-developed model dating violence and abuse policy; amending s. 1006.15, F.S.; conforming cross-references; amending s. 1006.28, F.S.; conforming provisions relating to instructional materials; amending s. 1006.31, F.S.; conforming provisions relating to duties of an instructional materials reviewer; amending s. 1006.34, F.S.; revising provisions relating to standards used in the selection of instructional materials; amending s. 1006.40, F.S.; revising provisions relating to district school board purchase of instructional materials; amending s. 1006.42, F.S.; conforming provisions relating to the responsibility of parents for instructional materials; amending s. 1007.02, F.S.; deleting a popular name and providing applicability for the term "student with a disability"; amending s. 1007.2615, F.S.; deleting obsolete provisions relating to an American Sign Language task force; amending s. 1007.263, F.S.; conforming cross-references; amending ss. 1007.264 and 1007.265, F.S.; conforming provisions; amending s. 1007.271, F.S.; correcting cross-references; amending s. 1008.22, F.S.; conforming and revising provisions relating to the implementation of statewide, standardized comprehensive assessments, end-of-course assessments, and waivers for students with disabilities; requiring the commissioner to publish an implementation schedule for transition to new assessments; conforming provisions relating to concordant scores and comparative scores for

assessments; amending s. 1008.25, F.S.; conforming assessment provisions for student progression; amending s. 1008.33, F.S.; deleting obsolete provisions relating to implementation of certain school turnaround options; repealing s. 1008.331, F.S., relating to supplemental educational services in Title I schools; amending s. 1008.3415, F.S.; correcting a cross-reference; repealing s. 1008.35, F.S., relating to best financial management practices for school districts; amending s. 1009.22, F.S.; deleting obsolete provisions relating to workforce education postsecondary student fees; amending s. 1009.40, F.S.; conforming cross-references; amending s. 1009.531, F.S.; conforming cross-references; amending s. 1009.532, F.S.; correcting cross-references; amending s. 1009.536, F.S.; correcting cross-references; repealing s. 1009.56, F.S., relating to the Seminole and Miccosukee Indian Scholarship Program; repealing s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program; amending s. 1009.91, F.S.; conforming a cross-reference; amending s. 1009.94, F.S.; conforming a cross-reference; repealing part V of chapter 1009, F.S., relating to the Florida Higher Education Loan Authority; amending s. 1011.62, F.S.; deleting an obsolete provision; repealing s. 1011.71(3)(b) and (c), F.S., relating to expired authorization for certain millage levy; repealing s. 1011.76(4), F.S., relating to best financial management practices review under the Small School District Stabilization Program; amending s. 1011.80, F.S.; correcting a cross-reference; amending s. 1012.05, F.S.; deleting department and commissioner duties relating to teacher recruitment and retention; amending s. 1012.22, F.S.; conforming provisions; repealing s. 1012.33(9), F.S., relating to obsolete provisions for payment of professional service contracts; amending s. 1012.34, F.S.; correcting cross-references relating to measuring student performance in personnel evaluations; amending s. 1012.44, F.S.; deleting obsolete provisions; amending s. 1012.561, F.S.; deleting an obsolete provision; repealing s. 1012.595, F.S., relating to an obsolete saving clause for educator certificates; amending s. 1012.885, F.S.; deleting certain provisions relating to remuneration of Florida College System institution presidents; amending s. 1012.975, F.S.; deleting certain provisions relating to remuneration of state university presidents; amending s. 1012.98, F.S.; requiring continuing education training for kindergarten teachers; amending s. 1013.35, F.S.; revising audit requirements for school district educational planning and construction activities; amending s. 1013.47, F.S.; deleting provisions relating to payment of wages of certain persons employed by contractors; repealing s. 1013.49, F.S., relating to toxic substances in educational facilities; repealing s. 1013.512, F.S., relating to the Land Acquisition and Facilities Advisory Board; repealing s. 20 of chapter 2010-24, Laws of Florida, relating to Department of Revenue authorization to adopt emergency rules; providing an effective date.

On motion by Rep. Porter, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **HB 7031**. The vote was:

Session Vote Sequence: 855

Speaker Weatherford in the Chair.

Yeas—115

| | | | |
|---|---|---|---|
| Adkins | Corcoran | Hager | Moraitis |
| Ahern | Crisafulli | Harrell | Moskowitz |
| Albritton | Cruz | Hill | Murphy |
| Antone | Cummings | Holder | Nelson |
| Artiles | Danish | Hooper | Nuñez |
| Baxley | Davis | Hudson | Oliva |
| Berman | Diaz, J. | Hutson | O'Toole |
| Beshears | Diaz, M. | Ingram | Pafford |
| Bileca | Dudley | Jones, M. | Passidomo |
| Boyd | Edwards | Jones, S. | Patronis |
| Bracy | Eisnaugle | Kerner | Perry |
| Brodeur | Fitzenhagen | La Rosa | Peters |
| Broxson | Fresen | Lee | Pigman |
| Caldwell | Fullwood | Magar | Pilon |
| Campbell | Gaetz | Mayfield | Porter |
| Castor Dentel | Gibbons | McBurney | Powell |
| Clelland | Gonzalez | McGhee | Pritchett |
| Coley | Goodson | McKeel | Rader |
| Combee | Grant | Metz | Rangel |
| Raschein | Rogers | Stafford | Waldman |
| Raulerson | Rooney | Steube | Watson, B. |
| Ray | Rouson | Stewart | Watson, C. |
| Reed | Santiago | Stone | Weatherford |
| Rehwinkel Vasilinda | Saunders | Taylor | Williams, A. |
| Renuart | Schenck | Thurston | Wood |
| Richardson | Schwartz | Tobia | Workman |
| Roberson, K. | Slosberg | Torres | Young |
| Rodrigues, R. | Smith | Trujillo | Zimmermann |
| Rodríguez, J. | Spano | Van Zant | |

Nays—None

Votes after roll call:
Yeas—Clarke-Reed, Eagle

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 856].

## Remarks

The Speaker recognized Representative Schenck, who gave brief farewell remarks.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 53, with 1 amendment, and requests concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 53—**A bill to be entitled An act relating to inmate reentry; amending s. 322.051, F.S.; waiving the fee for identification cards issued to certain inmates; authorizing issuance of temporary permits in certain circumstances; amending s. 322.17, F.S.; waiving the fee for replacement driver licenses for certain inmates; amending s. 382.0255, F.S.; requiring a waiver of fees for certain inmates receiving a copy of a birth certificate; amending s. 944.605, F.S.; requiring the Department of Corrections to work with other agencies in acquiring necessary documents for certain inmates to acquire an identification card or driver license before release; providing exceptions; requiring the department to provide specified assistance to inmates born outside this state; requiring a report; amending s. 944.803, F.S.; authorizing the department to operate male and female faith- and character-based institutions; providing appropriations; providing an effective date.

(Amendment Bar Code: 974650)

**Senate Amendment 1 (with title amendment)—**Delete lines 135 - 157 and insert:

Section 6. (1) For fiscal year 2014-2015, the sums of $221,276 in recurring funds and $243,782 in nonrecurring funds are appropriated from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles for purchasing, equipping, and operating mobile licensing vehicles whose primary responsibility shall be to issue identification and licensing credentials to inmates before their release from the custody of the Department of Corrections.

(2) The Department of Health and the Department of Highway

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 19

and insert:

institutions; providing an appropriation; providing an

On motion by Rep. Stone, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/CS/HB 53**. The vote was:

Session Vote Sequence: 857

Speaker Weatherford in the Chair.

Yeas—116

| | | | |
|---|---|---|---|
| Adkins | Eagle | Moraitis | Rogers |
| Ahern | Edwards | Moskowitz | Rooney |
| Albritton | Eisnaugle | Murphy | Rouson |
| Antone | Fitzenhagen | Nelson | Santiago |
| Artiles | Fresen | Nuñez | Saunders |
| Baxley | Fullwood | Oliva | Schenck |
| Berman | Gibbons | O'Toole | Schwartz |
| Beshears | Gonzalez | Pafford | Slosberg |
| Bileca | Goodson | Passidomo | Smith |
| Boyd | Grant | Patronis | Spano |
| Bracy | Hager | Perry | Stafford |
| Brodeur | Harrell | Peters | Stark |
| Broxson | Hill | Pigman | Steube |
| Caldwell | Holder | Pilon | Stewart |
| Campbell | Hooper | Porter | Stone |
| Castor Dentel | Hudson | Powell | Taylor |
| Clarke-Reed | Hutson | Pritchett | Thurston |
| Clelland | Ingram | Rader | Torres |
| Coley | Jones, M. | Rangel | Trujillo |
| Combee | Jones, S. | Raschein | Van Zant |
| Corcoran | Kerner | Raulerson | Waldman |
| Crisafulli | La Rosa | Ray | Watson, B. |
| Cruz | Lee | Reed | Watson, C. |
| Cummings | Magar | Rehwinkel Vasilinda | Weatherford |
| Danish | Mayfield | Renuart | Williams, A. |
| Davis | McBurney | Richardson | Wood |
| Diaz, J. | McGhee | Roberson, K. | Workman |
| Diaz, M. | McKeel | Rodrigues, R. | Young |
| Dudley | Metz | Rodríguez, J. | Zimmermann |

Nays—1
Tobia

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 97, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**HB 97—**A bill to be entitled An act relating to dentists and dental hygienists; amending s. 766.1115, F.S.; revising the definition of the term "contract"; requiring that a contract with a governmental contractor for health care services include a provision allowing a voluntary contribution toward certain dental laboratory work; providing that the contribution may not exceed the actual amount of the dental laboratory charges; providing an effective date.

(Amendment Bar Code: 745158)

**Senate Amendment 1 (with title amendment)—**Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) and subsection (4) of section 766.1115, Florida Statutes, are amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(3) DEFINITIONS.—As used in this section, the term:

(a) "Contract" means an agreement executed in compliance with this section between a health care provider and a governmental contractor which allows~~. This contract shall allow~~ the health care provider to deliver health care services to low-income recipients as an agent of the governmental contractor. The contract must be for volunteer, uncompensated services, except as provided in paragraph (4)(g). For services to qualify as volunteer, uncompensated services under this section, the health care provider must receive no compensation from the governmental contractor for any services provided under the contract and must not bill or accept compensation from the recipient, or a ~~any~~ public or private third-party payor, for the specific services provided to the low-income recipients covered by the contract.

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider shall continue to be an agent for purposes of s. 768.28(9) for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

(a) The right of dismissal or termination of any health care provider delivering services under the contract is retained by the governmental contractor.

(b) The governmental contractor has access to the patient records of any health care provider delivering services under the contract.

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if the incidents and information pertain to a patient treated under the contract. The health care provider shall submit the reports required by s. 395.0197. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities under this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Patient selection and initial referral must be made by the governmental contractor or the provider. Patients may not be transferred to the provider based on a violation of the antidumping provisions of the Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget Reconciliation Act of 1990, or chapter 395.

(e) If emergency care is required, the patient need not be referred before receiving treatment, but must be referred within 48 hours after treatment is commenced or within 48 hours after the patient has the mental capacity to consent to treatment, whichever occurs later.

(f) The provider is subject to supervision and regular inspection by the governmental contractor.

(g) As an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient, or a parent or guardian of the patient, to voluntarily contribute a monetary amount to cover costs of dental laboratory work related to the services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 2. Section 466.00673, Florida Statutes, is amended to read:

466.00673 Repeal of a health access dental license.—Effective January 1, 2020 ~~2015~~, ss. 466.0067-466.00673 are repealed unless reenacted by the Legislature. Any health access dental license issued before January 1, 2020 ~~2015~~, shall remain valid according to ss. 466.0067-466.00673, without effect from repeal.

Section 3. This act shall take effect July 1, 2014.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to access to health care for the underserved; amending s. 766.1115, F.S.; revising the definition of the term "contract"; extending the period of time for which a health care provider remains an agent of the state after an individual under his or her care is deemed ineligible; requiring that a contract with a governmental contractor for health care services include a provision allowing a voluntary contribution toward certain dental laboratory work; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; amending s. 466.00673, F.S.; delaying the future repeal of provisions authorizing the health access dental license; providing an effective date.

On motion by Rep. Magar, the House concurred in **Senate Amendment 1**.

REPRESENTATIVE HOOPER IN THE CHAIR

The question recurred on the passage of **HB 97**. The vote was:

Session Vote Sequence: 858

Representative Hooper in the Chair.

Yeas—118

| | | | |
|---|---|---|---|
| Adkins | Edwards | Moskowitz | Rouson |
| Ahern | Eisnaugle | Murphy | Santiago |
| Albritton | Fitzenhagen | Nelson | Saunders |
| Antone | Fresen | Nuñez | Schenck |
| Artiles | Fullwood | Oliva | Schwartz |
| Baxley | Gaetz | O'Toole | Slosberg |
| Berman | Gibbons | Pafford | Smith |
| Beshears | Gonzalez | Passidomo | Spano |
| Bileca | Goodson | Patronis | Stafford |
| Boyd | Grant | Perry | Stark |
| Bracy | Hager | Peters | Steube |
| Brodeur | Harrell | Pigman | Stewart |
| Broxson | Hill | Pilon | Stone |
| Caldwell | Holder | Porter | Taylor |
| Campbell | Hooper | Powell | Thurston |
| Castor Dentel | Hudson | Pritchett | Tobia |
| Clarke-Reed | Hutson | Rader | Torres |
| Clelland | Ingram | Rangel | Trujillo |
| Coley | Jones, M. | Raschein | Van Zant |
| Combee | Jones, S. | Raulerson | Waldman |
| Corcoran | Kerner | Ray | Watson, B. |
| Crisafulli | La Rosa | Reed | Watson, C. |
| Cruz | Lee | Rehwinkel Vasilinda | Weatherford |
| Cummings | Magar | Renuart | Williams, A. |
| Danish | Mayfield | Richardson | Wood |
| Davis | McBurney | Roberson, K. | Workman |
| Diaz, J. | McGhee | Rodrigues, R. | Young |
| Diaz, M. | McKeel | Rodríguez, J. | Zimmermann |
| Dudley | Metz | Rogers | |
| Eagle | Moraitis | Rooney | |

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 409, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 409**—A bill to be entitled An act relating to offenses against vulnerable persons; amending s. 90.803, F.S.; revising when an out of court statement by an elderly person or disabled adult is admissible in certain proceedings; amending s. 817.568, F.S.; expanding applicability of prohibition on the fraudulent use of personal identification information of specified victims without consent to include persons 60 years of age or older; amending s. 825.101, F.S.; revising and deleting definitions; amending s. 825.103, F.S.; deleting a requirement that property of an elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such a person; specifying additional circumstances that constitute a breach of a fiduciary duty and specifying when an unauthorized appropriation occurs; creating a presumption that certain inter vivos transfers are a result of exploitation; providing exceptions; providing for jury instructions concerning the presumption; revising the valuation of funds, assets, or property involved for various degrees of offenses of exploitation of an elderly person or disabled adult; providing for return of property seized from a defendant to the victim before trial in certain circumstances; amending ss. 775.0844 and 921.0022, F.S.; conforming provisions to changes made by the act; reenacting s. 772.11(1), F.S., relating to a civil remedy for theft or exploitation, to incorporate the amendments made by the act to s. 825.103, F.S., in a reference thereto; providing an effective date.

(Amendment Bar Code: 604926)

**Senate Amendment 2 (with title amendment)**—Delete lines 73 - 238 and insert:

Florida Statutes, are amended, subsections (11) through (17) of that section are redesignated as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section, to read:

817.568 Criminal use of personal identification information.—

(6) Any person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is younger ~~less~~ than 18 years of age or 60 years of age or older without first obtaining the consent of that individual or of his or her legal guardian commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Any person who is in the relationship of parent or legal guardian, or who otherwise exercises custodial authority over an individual who is younger ~~less~~ than 18 years of age or 60 years of age or older, who willfully and fraudulently uses personal identification information of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(11) A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of $1,001.

(a) The sum of $500 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for the department to provide grants to local law enforcement agencies to investigate offenses related to the criminal use of personal identification information as provided in s. 943.0412.

(b) The sum of $250 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information. The sum of $250 of the surcharge shall be deposited into the Public Defenders Revenue Trust Fund for the purposes of indigent criminal defense related to the criminal use of personal identification information.

(c) The clerk of the court shall retain $1 of each $1,001 surcharge that he or she collects as a service charge of the clerk's office.

(d) The surcharge may not be waived by the court. In the event that the person has been ordered to pay restitution in accordance with s. 775.089, the surcharge shall be included in a judgment.

Section 3. Subsections (2), (3), and (8) of section 825.101, Florida Statutes, are amended to read:

825.101 Definitions.—As used in this chapter:

(2) "Caregiver" means a person who has been entrusted with or has assumed responsibility for the care or the property of an elderly person or disabled adult. "Caregiver" includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities as defined in subsection (6)~~(7)~~.

~~(3) "Deception" means:~~

~~(a) Misrepresenting or concealing a material fact relating to:~~

~~1. Services rendered, disposition of property, or use of property, when such services or property are intended to benefit an elderly person or disabled adult;~~

~~2. Terms of a contract or agreement entered into with an elderly person or disabled adult; or~~

~~3. An existing or preexisting condition of any property involved in a contract or agreement entered into with an elderly person or disabled adult; or~~

~~(b) Using any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit an elderly person or disabled adult to enter into a contract or agreement.~~

~~(8) "Intimidation" means the communication by word or act to an elderly person or disabled adult that the elderly person or disabled adult will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.~~

Section 4. Section 825.103, Florida Statutes, is amended to read:

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly~~, by deception or intimidation,~~ obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or

2. Has a business relationship with the elderly person or disabled adult;

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent; ~~or~~

(c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:

1. For agents appointed under chapter 709:

a. Committing fraud in obtaining their appointments;

b. Abusing their powers;

c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or

d. Acting contrary to the principal's sole benefit or best interest; or

2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744:

a. Committing fraud in obtaining their appointments;

b. Abusing their powers; or

c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust;

(d) Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts:

1. Personal accounts;

2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or

3. Convenience accounts created in accordance with s. 655.80; or

(e) Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.

(2) Any inter vivos transfer of money or property valued in excess of $10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonably equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation.

(a) This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies.

(b) This subsection does not apply to:

1. Persons who are in the business of making loans.

2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code.

(c) In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant.

(3)~~(2)~~(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $50,000 ~~$100,000~~ or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $10,000 ~~$20,000~~ or more, but less than $50,000 ~~$100,000~~, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than $10,000 ~~$20,000~~, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than $5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.

Section 5. Section 943.0412, Florida Statutes, is created to read:

943.0412 Identity Theft and Fraud Grant Program.—

(1) There is created the Identity Theft and Fraud Grant Program within the department to award grants to support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud. Grants shall be provided if funds are appropriated for that purpose by law.

(2) Funds collected pursuant to s. 817.568(12)(a) and any funds specifically appropriated for the grant program shall be awarded annually by the department to local law enforcement agencies. The total amount of grants awarded may not exceed funding appropriated for the grant program.

(3) The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awards.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 10 - 26

and insert:

older; providing that it is unlawful for any person to willfully and without authorization fraudulently use personal identification information concerning specified individuals without their consent; providing criminal penalties; providing for a surcharge and allocation thereof; amending s. 825.101, F.S.; revising and deleting definitions; amending s. 825.103, F.S.; deleting a requirement that property of an elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such a person; specifying additional circumstances that constitute a breach of a fiduciary duty and specifying when an unauthorized appropriation occurs; creating a presumption that certain inter vivos transfers are a result of exploitation; providing exceptions; providing for jury instructions concerning the presumption; revising the valuation of funds, assets, or property involved for various degrees of offenses of exploitation of an elderly person or disabled adult; providing for return of property seized from a defendant to the victim before trial in certain circumstances; creating s. 943.0412, F.S.; providing legislative findings; creating the Identity Theft and Fraud Grant Program; amending ss. 775.0844 and

On motion by Rep. Passidomo, the House concurred in **Senate Amendment 2**.

The question recurred on the passage of **CS/CS/HB 409**. The vote was:

Session Vote Sequence: 859

Representative Hooper in the Chair.

Yeas—117

| | | | |
|---|---|---|---|
| Adkins | Edwards | Murphy | Santiago |
| Ahern | Eisnaugle | Nelson | Saunders |
| Albritton | Fitzenhagen | Nuñez | Schenck |
| Antone | Fresen | Oliva | Schwartz |
| Artiles | Fullwood | O'Toole | Slosberg |
| Baxley | Gaetz | Pafford | Smith |
| Berman | Gibbons | Passidomo | Spano |
| Beshears | Gonzalez | Patronis | Stafford |
| Bileca | Goodson | Perry | Stark |
| Boyd | Grant | Peters | Steube |
| Bracy | Hager | Pigman | Stewart |
| Brodeur | Harrell | Pilon | Stone |
| Broxson | Hill | Porter | Taylor |
| Caldwell | Holder | Powell | Thurston |
| Campbell | Hooper | Pritchett | Tobia |
| Castor Dentel | Hudson | Rader | Torres |
| Clarke-Reed | Hutson | Rangel | Trujillo |
| Clelland | Ingram | Raschein | Van Zant |
| Coley | Jones, M. | Raulerson | Waldman |
| Combee | Jones, S. | Ray | Watson, B. |
| Corcoran | Kerner | Reed | Watson, C. |
| Crisafulli | La Rosa | Rehwinkel Vasilinda | Weatherford |
| Cruz | Lee | Renuart | Williams, A. |
| Cummings | Magar | Richardson | Wood |
| Danish | Mayfield | Roberson, K. | Workman |
| Davis | McBurney | Rodrigues, R. | Young |
| Diaz, J. | McKeel | Rodríguez, J. | Zimmermann |
| Diaz, M. | Metz | Rogers | |
| Dudley | Moraitis | Rooney | |
| Eagle | Moskowitz | Rouson | |

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 427, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**HB 427**—A bill to be entitled An act relating to traveling across county lines to commit felony offenses; creating s. 843.22, F.S.; providing definitions; prohibiting a person who resides in this state from crossing a county boundary with the intent to commit certain felony offenses in a county other than that of his or her residence; providing criminal penalties; amending s. 903.046, F.S.; providing that such an alleged violation may be considered as a factor in determining whether to release a defendant on bail or other conditions; providing an effective date.

(Amendment Bar Code: 751182)

**Senate Amendment 1 (with title amendment)**—Delete everything after the enacting clause

and insert:

Section 1. Section 843.22, Florida Statutes, is created to read:

843.22 Traveling across county lines with intent to commit a burglary.—

(1) As used in this section, the term:

(a) "County of residence" means the county within this state in which a person resides. Evidence of a person's county of residence includes, but is not limited to:

1. The address on a person's driver license or state identification card;

2. Records of real property or mobile home ownership;

3. Records of a lease agreement for residential property;

4. The county in which a person's motor vehicle is registered;

5. The county in which a person is enrolled in an educational institution; and

6. The county in which a person is employed.

(b) "Burglary" means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.

(2) If a person who commits a burglary travels any distance with the intent to commit the burglary in a county in this state other than the person's county of residence, the degree of the burglary shall be reclassified to the next higher degree if the purpose of the person's travel is to thwart law enforcement attempts to track the items stolen in the burglary. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a burglary that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the burglary committed.

Section 2. Paragraph (l) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(l) Whether the crime charged is a violation of chapter 874 or alleged to be subject to enhanced punishment under chapter 874 or reclassification under s. 843.22. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she is ~~shall~~ not ~~be~~ eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 3. This act shall take effect October 1, 2014.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to traveling across county lines to commit a burglary; creating s. 843.22, F.S.; defining the terms "county of residence" and "burglary"; providing for reclassification of burglaries committed under certain

circumstances; amending s. 903.046, F.S.; adding a burglary that is reclassified under s. 843.22, F.S., to the factors a court must consider in determining whether to release a defendant on bail; providing an effective date.

On motion by Rep. McBurney, the House concurred in Senate **Amendment 1**.

The question recurred on the passage of **HB 427**. The vote was:

Session Vote Sequence: 860

Representative Hooper in the Chair.

Yeas—74

| | | | |
|---|---|---|---|
| Adkins | Eagle | Mayfield | Ray |
| Ahern | Eisnaugle | McBurney | Renuart |
| Antone | Fitzenhagen | McKeel | Roberson, K. |
| Baxley | Fresen | Metz | Rodrigues, R. |
| Beshears | Gaetz | Moraitis | Rooney |
| Bileca | Gonzalez | Moskowitz | Santiago |
| Boyd | Goodson | Murphy | Schenck |
| Brodeur | Hager | Nelson | Smith |
| Broxson | Harrell | Nuñez | Spano |
| Caldwell | Hill | O'Toole | Steube |
| Clelland | Holder | Passidomo | Taylor |
| Coley | Hooper | Patronis | Tobia |
| Combee | Hudson | Perry | Van Zant |
| Corcoran | Hutson | Peters | Weatherford |
| Crisafulli | Ingram | Pigman | Wood |
| Cummings | Kerner | Pilon | Workman |
| Danish | La Rosa | Porter | Young |
| Davis | Lee | Raschein | |
| Dudley | Magar | Raulerson | |

Nays—37

| | | | |
|---|---|---|---|
| Artiles | Jones, S. | Rodríguez, J. | Thurston |
| Berman | McGhee | Rogers | Torres |
| Campbell | Oliva | Rouson | Trujillo |
| Castor Dentel | Pafford | Saunders | Waldman |
| Clarke-Reed | Powell | Schwartz | Watson, B. |
| Cruz | Pritchett | Slosberg | Watson, C. |
| Diaz, J. | Rangel | Stafford | Williams, A. |
| Diaz, M. | Reed | Stark | |
| Gibbons | Rehwinkel Vasilinda | Stewart | |
| Jones, M. | Richardson | Stone | |

Votes after roll call:
Yeas—Zimmermann
Nays to Yeas—Rodríguez, J.

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 629, with 2 amendments, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 629—**A bill to be entitled An act relating to charities; providing legislative findings and declarations; amending s. 212.08, F.S.; revising an exemption from the sales and use tax to exclude from eligibility charitable organizations subject to a final disqualification order issued by the Department of Agriculture and Consumer Services; amending s. 212.084, F.S.; requiring the Department of Revenue to revoke a sales tax exemption certificate of, or refuse to grant a sales tax exemption certificate to, certain charitable organizations; providing for appeal; amending s. 496.403, F.S.; exempting blood establishments from the Solicitation of Contributions Act; amending s. 496.404, F.S.; revising definitions; amending s. 496.405, F.S.; revising requirements and procedures for the filing of registration statements of charitable organizations and sponsors; specifying the information that each chapter, branch, or affiliate of a parent organization must include in, and attach to, a consolidated financial statement; revising the period within which the Department of Agriculture and Consumer Services must review certain initial registration statements and annual renewal statements; providing for the automatic suspension of a charitable organization or sponsor's registration for failure to disclose specified information; prohibiting officers, directors, trustees, or employees of a charitable organization or sponsor from allowing certain persons to solicit contributions on behalf of the charitable organization or sponsor; authorizing the department to deny or revoke the registration of a charitable organization or sponsor under certain circumstances; requiring a charitable organization or sponsor that has ended solicitation activities in this state to notify the department in writing; creating s. 496.4055, F.S.; defining the term "conflict of interest transaction"; requiring the board of directors of a charitable organization or sponsor, or an authorized committee thereof, to adopt a policy regarding conflict of interest transactions; amending s. 496.407, F.S.; requiring the financial statements of certain charitable organizations or sponsors to be audited or reviewed; providing requirements and standards for such audit or review; authorizing charitable organizations and sponsors to redact specified information from certain Internal Revenue Service Forms submitted in lieu of a financial statement; requiring such forms submitted by certain charitable organizations or sponsors to be prepared by a certified public accountant; authorizing the department to provide an extension for filing a financial statement; authorizing the department to require an audit or review for a financial statement submitted by a charitable organization or sponsor under certain circumstances; creating s. 496.4071, F.S.; requiring certain charitable organizations or sponsors to report specified supplemental financial information to the department by a certain date; creating s. 496.4072, F.S.; requiring certain charitable organizations or sponsors that solicit contributions for a specific disaster relief effort to submit quarterly financial statements to the department; providing requirements and procedures for the filing of such quarterly statements; exempting certain charitable organizations and sponsors from filing such quarterly statements; amending s. 496.409, F.S.; authorizing a professional fundraising consultant to enter into a contract or agreement only with certain charitable organizations or sponsors; revising the procedures and requirements for reviewing professional fundraising consultant registration statements and renewal applications; prohibiting certain officers, trustees, directors, or employees of professional fundraising consultants from allowing certain persons to solicit contributions on behalf of the professional fundraising consultant; authorizing the department to deny or revoke the registration of a professional fundraising consultant under certain circumstances; amending s. 496.410, F.S.; revising the information that must be included in a professional solicitor application for registration or renewal of registration; revising procedures and requirements for reviewing professional solicitor registration statements and renewal applications; revising the information that must be included in a solicitation notice filed by a professional solicitor; authorizing a professional solicitor to enter into a contract or agreement only with certain charitable organizations or sponsors; prohibiting certain officers, trustees, directors, or employees of a professional solicitor from soliciting for compensation or allowing certain persons to solicit for compensation on behalf of the professional solicitor; authorizing the department to deny or revoke the registration of a professional solicitor under certain circumstances; creating s. 496.4101, F.S.; requiring each officer, director, trustee, or owner of a professional solicitor and certain employees of a professional solicitor to obtain a solicitor license from the department; defining the term "personal financial information"; providing application requirements and procedures; requiring applicants to submit a complete set of fingerprints and pay a fee for fingerprint processing and retention; requiring a solicitor license to be renewed annually; providing an initial application and renewal fee for a solicitor license; requiring material changes in applications or renewal applications to be reported to the department within a specified period; providing a fee for reporting material changes; providing violations; requiring the department to adopt rules to allow applicants to engage in solicitation activities on a temporary basis; authorizing the department to deny or revoke a solicitor license under certain circumstances; requiring certain administrative proceedings to be conducted in accordance with chapter 120, F.S.; amending s. 496.411, F.S.; revising disclosure requirements for charitable organizations and sponsors; amending s. 496.412,

F.S.; revising disclosure requirements for professional solicitors; creating s. 496.4121, F.S.; defining the term "collection receptacle"; requiring collection receptacles to display permanent signs or labels; providing requirements for such signs or labels; requiring a charitable organization or sponsor using a collection receptacle to provide certain information to a donor upon request; amending s. 496.415, F.S.; prohibiting the submission of false, misleading, or inaccurate information in a document in connection with a solicitation or sales promotion; prohibiting the failure to remit specified funds to a charitable organization or sponsor; amending s. 496.419, F.S.; increasing administrative fine amounts the department is authorized to impose for specified violations of the Solicitation of Contributions Act; creating s. 496.4191, F.S.; requiring the department to immediately suspend a registration or processing of an application for registration if the registrant, applicant, or any officer or director thereof is charged with certain criminal offenses; creating s. 496.430, F.S.; authorizing the department to issue an order to disqualify a charitable organization or sponsor from receiving a sales tax exemption certificate under certain circumstances; authorizing a charitable organization or sponsor to appeal a disqualification order within a specified period; providing that a disqualification order remains effective for a specified period; authorizing a charitable organization or sponsor to apply to the Department of Revenue for a sales tax exemption certificate after expiration of a final disqualification order; requiring the Department of Agriculture and Consumer Services to provide a final disqualification order to the Department of Revenue within a specified period; requiring the Department of Revenue to revoke a sales tax exemption certificate of, or refuse to grant a sales tax exemption certificate to, charitable organizations or sponsors subject to a final disqualification order; prohibiting a charitable organization or sponsor from appealing or challenging the revocation or denial of a sales tax exemption certificate under certain circumstances; amending s. 741.0305, F.S.; conforming a cross-reference; providing severability; providing an appropriation and authorizing positions; providing an effective date.

(Amendment Bar Code: 592038)

**Senate Amendment 1 (with title amendment)**—Delete lines 1213 - 1268
and insert:

(d) For any renewal of the applicant's license, the department shall request the Department of Law Enforcement to forward the retained fingerprints of the applicant to the Federal Bureau of Investigation unless the applicant is enrolled in the national retained print arrest notification program described in paragraph (c). The fee for the national criminal history check shall be paid as part of the renewal process to the department and forwarded by the department to the Department of Law Enforcement. If the applicant's fingerprints are retained in the national retained print arrest notification program, the applicant shall pay the state and national retention fee to the department, which shall forward the fee to the Department of Law Enforcement.

(e) The department shall notify the Department of Law Enforcement regarding any person whose fingerprints have been retained but who is no longer licensed under this chapter.

(f) The department shall screen background results to determine whether an applicant meets licensure requirements.

(4) A solicitor license must be renewed annually by the submission of a renewal application. A solicitor license that is not renewed expires without further action by the department.

(5) Any material change to the information submitted to the department in the initial application or renewal application for a solicitor license shall be reported to the department by the applicant or licensee within 10 days after the change occurs.

(6) It is a violation of this chapter:

(a) For an applicant to provide inaccurate or incomplete information to the department in the initial or renewal application for a solicitor license.

(b) For a person specified in subsection (1) to fail to maintain a solicitor license as required by this section.

(c) For a professional solicitor to allow, require, permit, or authorize an employee without an active solicitor license issued under this section to conduct telephonic solicitations.

(7) The department shall adopt rules that allow applicants to engage in solicitation activities on a temporary basis until such time as a solicitor license is granted or denied.

(8) The department may deny or revoke a solicitor license if the applicant or licensee has had the right to solicit contributions revoked in any state, has been ordered by a court or governmental agency to cease soliciting contributions within any state, or is subject to any disqualification specified in s. 496.410(14).

(9) Any administrative proceeding that could result in entry of an order under this section shall be conducted in accordance with chapter 120.

==========T I T L E  A M E N D M E N T==========

And the title is amended as follows:

Delete lines 106 - 111
and insert:
renewed annually; requiring material changes in applications or renewal applications to be reported to the department within a specified period; providing violations; requiring the

On motion by Rep. Boyd, the House concurred in **Senate Amendment 1**.

(Amendment Bar Code: 882116)

**Senate Amendment 2**—Delete line 1541
and insert:
from General Revenue are appropriated to the

On motion by Rep. Boyd, the House concurred in **Senate Amendment 2**.

The question recurred on the passage of **CS/CS/HB 629**. The vote was:

Session Vote Sequence: 861

Representative Hooper in the Chair.

Yeas—113

| | | | |
|---|---|---|---|
| Adkins | Eagle | Moskowitz | Santiago |
| Ahern | Edwards | Murphy | Saunders |
| Albritton | Eisnaugle | Nelson | Schenck |
| Antone | Fitzenhagen | Nuñez | Schwartz |
| Artiles | Fresen | Oliva | Slosberg |
| Baxley | Gibbons | O'Toole | Smith |
| Berman | Gonzalez | Pafford | Spano |
| Beshears | Goodson | Passidomo | Stafford |
| Bileca | Grant | Patronis | Stark |
| Boyd | Hager | Perry | Steube |
| Bracy | Harrell | Peters | Stewart |
| Brodeur | Hill | Pigman | Stone |
| Broxson | Holder | Pilon | Taylor |
| Caldwell | Hooper | Porter | Thurston |
| Campbell | Hudson | Powell | Torres |
| Castor Dentel | Hutson | Pritchett | Trujillo |
| Clarke-Reed | Ingram | Rader | Van Zant |
| Clelland | Jones, M. | Rangel | Waldman |
| Coley | Jones, S. | Raschein | Watson, B. |
| Combee | Kerner | Raulerson | Watson, C. |
| Corcoran | La Rosa | Ray | Weatherford |
| Crisafulli | Lee | Reed | Williams, A. |
| Cruz | Magar | Renuart | Wood |
| Cummings | Mayfield | Richardson | Workman |
| Danish | McBurney | Rodrigues, R. | Young |
| Davis | McGhee | Rodríguez, J. | Zimmermann |
| Diaz, J. | McKeel | Rogers | |
| Diaz, M. | Metz | Rooney | |
| Dudley | Moraitis | Rouson | |

Nays—3

| | | |
|---|---|---|
| Gaetz | Roberson, K. | Tobia |

Votes after roll call:
Nays to Yeas—Roberson, K.

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

### Recessed

The House recessed at 3:03 p.m.

### Reconvened

The House was called to order by the Speaker at 3:34 p.m. A quorum was present [Session Vote Sequence: 862].

### Committee Staff Recognition

The Speaker recognized several Committee Chairs to make brief remarks on their Committee Staff.

## Messages from the Senate

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 320, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By Senators Sachs, Margolis, and Sobel—

**SB 320**—A bill to be entitled An act relating to commercial parasailing; providing a short title; amending s. 327.02, F.S.; defining terms; creating s. 327.375, F.S.; requiring the operator of a vessel engaged in commercial parasailing to ensure that specified requirements are met; requiring the owner of a vessel engaged in commercial parasailing to obtain and maintain an insurance policy; providing minimum coverage requirements for the insurance policy; providing requirements for proof of insurance; specifying the insurance information that must be provided upon request; requiring the operator to have a current and valid license issued by the United States Coast Guard; prohibiting commercial parasailing unless certain equipment is present on the vessel and certain weather conditions are met; requiring that a weather log be maintained and made available for inspection; providing a criminal penalty; amending ss. 320.08, 327.391, 328.17, 342.07, 713.78, and 715.07, F.S.; conforming cross-references; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

On motion by Rep. Clarke-Reed, the rules were waived and **SB 320** was read the second time by title.

Representative Steube offered the following:

(Amendment Bar Code: 595839)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "White-Miskell Act."

Section 2. Section 327.02, Florida Statutes, is amended to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(1) "Airboat" means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.

(2) "Alien" means a person who is not a citizen of the United States.

(3) "Boating accident" means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of a ~~any~~ person from on board under circumstances that ~~which~~ indicate the possibility of death or injury, or property damage to any vessel or dock.

(4) "Canoe" means a light, narrow vessel with curved sides and with both ends pointed. A canoe-like vessel with a transom may not be excluded from the definition of a canoe if the width of its transom is less than 45 percent of the width of its beam or it has been designated as a canoe by the United States Coast Guard.

(5) "Commercial parasailing" means providing or offering to provide, for consideration, any activity involving the towing of a person by a motorboat if:

(a) One or more persons are tethered to the towing vessel;

(b) The person or persons ascend above the water; and

(c) The person or persons remain suspended under a canopy, chute, or parasail above the water while the vessel is underway.

The term does not include ultralight glider towing conducted under rules of the Federal Aviation Administration governing ultralight vehicles as defined in 14 C.F.R. part 103.

(6)~~(5)~~ "Commercial vessel" means:

(a) A ~~Any~~ vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or a ~~any~~ vessel licensed pursuant to s. 379.361 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale ~~either~~ to the consumer or to a~~,~~ retail ~~dealer,~~ or wholesale dealer.

(b) Any other vessel, except a recreational vessel as defined in this section.

(7)~~(6)~~ "Commission" means the Fish and Wildlife Conservation Commission.

(8)~~(7)~~ "Dealer" means a ~~any~~ person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute vessels. Such person must ~~shall~~ have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(9)~~(8)~~ "Division" means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission.

(10)~~(9)~~ "Documented vessel" means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

(11)~~(10)~~ "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term ~~"floating structure"~~ includes, but is not limited to, an ~~each~~ entity used as a residence, place of business or office with public access; a~~,~~ hotel or motel; a~~,~~ restaurant or lounge; a~~,~~ clubhouse; a~~,~~ meeting facility; a~~,~~ storage or parking facility; or a~~,~~ mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does ~~shall~~ not, in and of itself, preclude an entity from classification as a floating structure.

(12)~~(11)~~ "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, ~~(~~using the Gulf of Mexico~~)~~; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(13)~~(12)~~ "Homemade vessel" means a ~~any~~ vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or a ~~any~~ vessel constructed or assembled before ~~prior to~~ November 1, 1972, by an entity other than a licensed manufacturer for its ~~his or her~~ own use or the use of a specific person. A vessel assembled from a manufacturer's kit or constructed from an unfinished manufactured hull is ~~shall be~~ considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel may not ~~shall in no event~~ be construed to be a homemade vessel.

(14) "Kite boarding" or "kite surfing" means an activity in which a kite board or surfboard is tethered to a kite so as to harness the power of the wind and propel the board across a body of water. For purposes of this subsection, the term "kite" has the same meaning as used in 14 C.F.R. part 101.

(15)~~(13)~~ "Houseboat" means a ~~any~~ vessel that ~~which~~ is used primarily as a residence for at least ~~a minimum of~~ 21 days during any 30-day period~~,~~ in a county of this state if such~~, and this~~ residential use of the vessel is to the preclusion of its ~~the~~ use ~~of the vessel~~ as a means of transportation.

(16)~~(14)~~ "Length" means the measurement from end to end over the deck parallel to the centerline, excluding sheer.

(17)~~(15)~~ "Lien" means a security interest that ~~which~~ is reserved or created by a written agreement recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15 and that ~~which~~ secures payment or performance of an obligation and is generally valid against third parties.

(18)~~(16)~~ "Lienholder" means a person holding a security interest in a vessel, which interest is recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15.

(19)~~(17)~~ "Live-aboard vessel" means:

(a) A ~~Any~~ vessel used solely as a residence and not for navigation;

(b) A ~~Any~~ vessel represented as a place of business or a professional or other commercial enterprise; or

(c) A ~~Any~~ vessel for which a declaration of domicile has been filed pursuant to s. 222.17.

A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(20)~~(18)~~ "Livery vessel" means a ~~any~~ vessel leased, rented, or chartered to another for consideration.

(21)~~(19)~~ "Manufactured vessel" means a ~~any~~ vessel built after October 31, 1972, for which a federal hull identification number is required pursuant to federal law, or a ~~any~~ vessel constructed or assembled before ~~prior to~~ November 1, 1972, by a duly licensed manufacturer.

(22)~~(20)~~ "Marina" means a licensed commercial facility that ~~which~~ provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is ~~shall be~~ considered a marina for nonjudicial sale purposes.

(23)~~(21)~~ "Marine sanitation device" means ~~any~~ equipment, other than a toilet, for installation on board a vessel~~,~~ which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159.

(24)~~(22)~~ "Marker" means a ~~any~~ channel mark or other aid to navigation, an information or regulatory mark, an isolated danger mark, a safe water mark, a special mark, an inland waters obstruction mark, or mooring buoy in, on, or over the waters of the state or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

(25) "Moored ballooning" means the operation of a moored balloon pursuant to 14 C.F.R. part 101.

(26)~~(23)~~ "Motorboat" means a ~~any~~ vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.

(27)~~(24)~~ "Muffler" means an automotive-style sound-suppression device or system designed to effectively abate the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on such an engine.

(28)~~(25)~~ "Navigation rules" means, for vessels on:

(a) ~~For vessels on~~ Waters outside ~~of~~ established navigational lines of demarcation as specified in 33 C.F.R. part 80, the International Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended, including the appendix and annexes thereto, through October 1, 2012.

(b) ~~For vessels on~~ All waters not outside of such established lines of demarcation, the Inland Navigational Rules Act of 1980, 33 C.F.R. parts 83-90, as amended, through October 1, 2012.

(29)~~(26)~~ "Nonresident" means a citizen of the United States who has not established residence in this state and has not continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(30)~~(27)~~ "Operate" means to be in charge of, ~~or~~ in command of, or in actual physical control of a vessel upon the waters of this state, ~~or~~ to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

(31)~~(28)~~ "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is~~,~~ reserved or created by agreement and securing payment of performance of an obligation~~,~~ ~~but~~ The term does not include ~~excludes~~ a lessee under a lease not intended as security.

(32)~~(29)~~ "Person" means an individual, partnership, firm, corporation, association, or other entity.

(33)~~(30)~~ "Personal watercraft" means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump~~,~~ as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(34)~~(31)~~ "Portable toilet" means a device consisting of a lid, seat, containment vessel, and support structure which ~~that~~ is specifically designed to receive, retain, and discharge human waste and which ~~that~~ is capable of being removed from a vessel by hand.

(35)~~(32)~~ "Prohibited activity" means ~~such~~ activity that ~~as~~ will impede or disturb navigation or creates a safety hazard on waterways of this state.

(36)~~(33)~~ "Racing shell," "rowing scull," or "racing kayak" means a manually propelled vessel that ~~which~~ is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and that ~~which~~ is not designed to carry and does not carry any equipment not solely for competitive racing.

(37)~~(34)~~ "Recreational vessel" means a ~~any~~ vessel:

(a) Manufactured and used primarily for noncommercial purposes; or

(b) Leased, rented, or chartered to a person for his or her ~~the person's~~ noncommercial use.

(38)~~(35)~~ "Registration" means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

(39)~~(36)~~ "Resident" means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(40)~~(37)~~ "Sailboat" means a ~~any~~ vessel whose sole source of propulsion is the wind.

(41) "Sustained wind speed" means a wind speed determined by averaging the observed wind speed rounded up to the nearest mile per hour over a 2-minute period.

(42)~~(38)~~ "Unclaimed vessel" means an ~~any~~ undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of a ~~any~~ marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for more than ~~a period in excess of~~ 90 days after ~~from~~ the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

(43)~~(39)~~ "Vessel" is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(44)~~(40)~~ "Waters of this state" means any navigable waters of the United States within the territorial limits of this state, ~~and~~ the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

Section 3. Subsection (5) of section 327.37, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

327.37 Water skis, parasails, ~~and~~ aquaplanes, kite boarding, kite surfing, and moored ballooning regulated.—

(5) A person may not operate any vessel towing a parasail or engage in parasailing or moored ballooning within 100 feet of the marked channel of the Florida Intracoastal Waterway or within 2 miles of the boundary of any airport unless otherwise permitted under federal law.

(6) A person may not engage in kite boarding or kite surfing within an area that extends 1 mile in a direct line along the centerline of an airport runway and that has a width measuring one-half mile unless otherwise permitted under federal law.

Section 4. Section 327.375, Florida Statutes, is created to read:

327.375 Commercial parasailing.—

(1) The operator of a vessel engaged in commercial parasailing shall ensure that the provisions of this section and s. 327.37 are met.

(2) The owner or operator of a vessel engaged in commercial parasailing may not offer or provide for consideration any parasailing activity unless the owner or operator first obtains and maintains in full force and effect a liability insurance policy from an insurance carrier licensed in this state or approved by the Office of Insurance Regulation or an eligible surplus lines insurer. Such policy must provide bodily injury liability coverage in the amounts of at least $1 million per occurrence and $2 million annual aggregate. Proof of insurance must be available for inspection at the location where commercial parasailing is offered or provided for consideration, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(3) The operator of a vessel engaged in commercial parasailing must have a current and valid license issued by the United States Coast Guard authorizing the operator to carry passengers for hire. The license must be appropriate for the number of passengers carried and the displacement of the vessel. The license must be carried on the vessel and be available for inspection while engaging in commercial parasailing activities.

(4) A vessel engaged in commercial parasailing must be equipped with a functional VHF marine transceiver and a separate electronic device capable of providing access to National Weather Service forecasts and current weather conditions.

(5)(a) Commercial parasailing is prohibited if the current observed wind conditions in the area of operation include a sustained wind speed of more than 20 miles per hour; if wind gusts are 15 miles per hour higher than the sustained wind speed; if the wind speed during gusts exceeds 25 miles per hour; if rain or heavy fog results in reduced visibility of less than 0.5 mile; or if a known lightning storm comes within 7 miles of the parasailing area.

(b) The operator of the vessel engaged in commercial parasailing shall use all available means to determine prevailing and forecasted weather conditions and record this information in a weather log each time passengers are to be taken out on the water. The weather log must be available for inspection at all times at the operator's place of business.

(6) A person or operator who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Paragraph (d) of subsection (5) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles as defined in s. 316.003, and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02~~(39)~~, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

Section 6. Subsection (1) of section 327.391, Florida Statutes, is amended to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in s. 327.02(25) ~~s. 327.02(24)~~. The use of cutouts or flex pipe as the sole source of muffling is prohibited, except as provided in subsection (4). Any person who violates this subsection commits a noncriminal infraction punishable as provided in s. 327.73(1).

Section 7. Subsection (4) of section 328.17, Florida Statutes, is amended to read:

328.17 Nonjudicial sale of vessels.—

(4) A marina, as defined in s. 327.02~~(20)~~, shall have:

(a) A possessory lien upon any vessel for storage fees, dockage fees, repairs, improvements, or other work-related storage charges, and for expenses necessary for preservation of the vessel or expenses reasonably incurred in the sale or other disposition of the vessel. The possessory lien attaches ~~shall attach~~ as of the date the vessel is brought to the marina or as of the date the vessel first occupies rental space at the marina facility.

(b) A possessory lien upon any vessel in a wrecked, junked, or substantially dismantled condition~~,~~ which has been left abandoned at a marina~~,~~ for expenses reasonably incurred in the removal and disposal of the vessel. The possessory lien attaches ~~shall attach~~ as of the date the vessel arrives at the marina or as of the date the vessel first occupies rental space at the marina facility. If the funds recovered from the sale of ~~the vessel,~~ or ~~from~~ the scrap or salvage value of the vessel~~,~~ are insufficient to cover the expenses reasonably incurred by the marina in removing and disposing of the vessel, all costs in excess of recovery shall be recoverable against the owner of the vessel. For a vessel damaged as a result of a named storm, the provisions of this paragraph shall be suspended for 60 days after ~~following~~ the date the vessel is damaged in the named storm. The operation of the provisions specified in this paragraph run concurrently with, and do not extend, the 60-day notice periods provided in subsections (5) and (7).

Section 8. Subsection (2) of section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property which ~~that~~ provide access for water-dependent commercial activities, including hotels and motels as defined in s. 509.242(1), or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. As used in this section, the term "vessel" has the same meaning as in s. 327.02~~(39)~~. Seaports are excluded from the definition.

Section 9. Paragraph (b) of subsection (1) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(1) For the purposes of this section, the term:

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02~~(9)~~.

Section 10. Paragraph (b) of subsection (1) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(1) As used in this section, the term:

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02~~(9)~~.

Section 11. This act shall take effect October 1, 2014.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to commercial and recreational water activities; providing a short title; amending s. 327.02, F.S.; defining terms; amending s. 327.37, F.S.; prohibiting certain commercial and recreational water activities within certain areas; creating s. 327.375, F.S.; requiring the operator of a vessel engaged in commercial parasailing to ensure that specified requirements are met; requiring the owner of a vessel engaged in commercial parasailing to obtain and maintain an insurance policy; providing minimum coverage requirements for the insurance policy; providing requirements for proof of insurance; specifying the insurance information that must be provided upon request; requiring the operator to have a current and valid license issued by the United States Coast Guard; prohibiting commercial parasailing unless certain equipment is present on the vessel and certain weather conditions are met; requiring that a weather log be maintained and made available for inspection; providing a criminal penalty; amending ss. 320.08, 327.391, 328.17, 342.07, 713.78, and 715.07, F.S.; conforming cross-references; providing an effective date.

Rep. Steube moved the adoption of the amendment, which was adopted.

On motion by Rep. Clarke-Reed, the rules were waived and **SB 320** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 863

Speaker Weatherford in the Chair.

Yeas—117

| | | | |
|---|---|---|---|
| Ahern | Eisnaugle | Murphy | Santiago |
| Albritton | Fitzenhagen | Nelson | Saunders |
| Antone | Fresen | Nuñez | Schenck |
| Artiles | Fullwood | Oliva | Schwartz |
| Baxley | Gaetz | O'Toole | Slosberg |
| Berman | Gibbons | Pafford | Smith |
| Beshears | Gonzalez | Passidomo | Spano |
| Bileca | Goodson | Patronis | Stafford |
| Boyd | Grant | Perry | Stark |
| Bracy | Hager | Peters | Steube |
| Brodeur | Harrell | Pigman | Stewart |
| Broxson | Hill | Pilon | Stone |
| Caldwell | Holder | Porter | Taylor |
| Campbell | Hooper | Powell | Thurston |
| Castor Dentel | Hudson | Pritchett | Tobia |
| Clarke-Reed | Hutson | Rader | Torres |
| Clelland | Ingram | Rangel | Trujillo |
| Coley | Jones, M. | Raschein | Van Zant |
| Combee | Jones, S. | Raulerson | Waldman |
| Corcoran | Kerner | Ray | Watson, B. |
| Crisafulli | La Rosa | Reed | Watson, C. |
| Cruz | Lee | Rehwinkel Vasilinda | Weatherford |
| Cummings | Magar | Renuart | Williams, A. |
| Danish | Mayfield | Richardson | Wood |
| Davis | McBurney | Roberson, K. | Workman |
| Diaz, J. | McGhee | Rodrigues, R. | Young |
| Diaz, M. | McKeel | Rodríguez, J. | Zimmermann |
| Dudley | Metz | Rogers | |
| Eagle | Moraitis | Rooney | |
| Edwards | Moskowitz | Rouson | |

Nays—1

Adkins

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted CS for SM 1174 and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committee on Environmental Preservation and Conservation; and Senator Gibson—

**CS/SM 1174**—A memorial to the Congress of the United States, urging Congress to direct the United States Environmental Protection Agency to use specified criteria in developing guidelines for regulating carbon dioxide emissions from existing fossil-fueled electric generating units.

WHEREAS, a reliable and affordable energy supply is vital to Florida's economy and job growth, as well as the overall interests of its citizens, and

WHEREAS, Florida supports an all-inclusive energy strategy because it is in the best interest of the state and the nation, and

WHEREAS, the United States has an abundant supply of coal that provides economic and energy security benefits, including affordable and reliable electricity, and

WHEREAS, carbon regulations for existing coal-fueled electric generating units could threaten the affordability and reliability of Florida's electricity supplies, and

WHEREAS, such regulations impose additional financial burdens on electric generating units that have invested in pollution controls to meet the recent mercury regulations of the United States Environmental Protection Agency, and

WHEREAS, such burdens risk the closure of electric generating units resulting in substantial job loss, and

WHEREAS, carbon dioxide emissions from coal-fueled electric generating units in the United States represent only 3 percent of global anthropogenic greenhouse gas emissions, and

WHEREAS, the United States Energy Information Administration projects that carbon dioxide emissions from the nation's electric sector will be 14 percent below 2005 levels in 2020, and

WHEREAS, the United States Energy Information Administration projects that carbon dioxide emissions from the nation's coal-fueled electric generating units will be 19 percent below 2005 levels in 2020, and

WHEREAS, on June 25, 2013, the President of the United States directed the United States Environmental Protection Agency to issue standards, regulations, and guidelines to address carbon dioxide emissions from new, existing, modified, and reconstructed fossil-fueled electric generating units, and

WHEREAS, the President of the United States has recognized that states will play a central role in establishing and implementing carbon standards for existing electric generating units, and

WHEREAS, the Clean Air Act requires the United States Environmental Protection Agency to establish a procedure under which each state must develop a plan for establishing and implementing standards of performance for existing fossil-fueled electric generating units within the state, and

WHEREAS, the Clean Air Act expressly allows states, in developing and applying such standards of performance, to take into consideration, among other factors, the remaining useful life of an existing fossil-fueled electric generating unit to which such standards apply, and

WHEREAS, the existing regulations of the United States Environmental Protection Agency provide that states may adopt less stringent emissions standards or longer compliance schedules than the agency's guidelines based on factors such as unreasonable cost of control, physical impossibility of installing necessary control equipment, or other factors that make less stringent standards or longer compliance times significantly more reasonable, and

WHEREAS, it is in the best interest of electricity consumers in Florida to continue to benefit from reliable, affordable electricity provided by coal-based electric generating units, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to direct the United States Environmental Protection Agency, in developing guidelines for regulating carbon dioxide emissions from existing fossil-fueled electric generating units, to:

(1) Respect the primacy of Florida and rely on state regulators to develop performance standards for carbon dioxide emissions which take into account

the unique policies, energy needs, resource mix, and economic priorities of the state.

(2) Issue guidelines and approve state-established performance standards that are based on reductions of carbon dioxide emissions determined to be achievable by measures undertaken at fossil-fueled electric generating units.

(3) Allow Florida to set less stringent performance standards or longer compliance schedules for fossil-fueled electric generating units.

(4) Give Florida maximum flexibility to implement carbon dioxide performance standards for fossil-fueled electric generating units.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the Administrator of the United States Environmental Protection Agency, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the first time by title and referred to the Calendar of the House.

On motion by Rep. Wood, the rules were waived and the memorial was read the second time by title and adopted. Under Rule 11.7(i), the memorial was immediately certified to the Senate.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1030, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By the Committees on Appropriations; and Health Policy; and Senators Bradley, Bean, Brandes, Galvano, Sobel, Soto, Gardiner, Stargel, and Simpson—

**CS for CS for SB 1030**—A bill to be entitled An act relating to low-THC cannabis; creating s. 456.60, F.S.; defining terms; authorizing specified physicians to order low-THC cannabis for use by specified patients; providing conditions; providing education requirements for physicians; providing duties of the Department of Health; requiring the department to create a compassionate use registry; providing requirements for the registry; requiring the department to authorize a specified number of dispensing organizations; authorizing the department to adopt specified rules; requiring the department to establish the Office of Compassionate Use; providing for inspections of dispensing organizations by the department and law enforcement agencies; providing requirements and duties for a dispensing organization; providing exceptions to specified laws; creating s. 385.30, F.S.; encouraging state universities with both medical and agricultural programs to participate in specified Federal Food and Drug Administration-approved research directed toward refractory or intractable epilepsy relief in pediatric patients; authorizing participating state universities to annually request a grant from the department; requiring a state university that requests a grant to submit a specified report to the department; providing applicability; creating s. 1004.441, F.S.; authorizing state universities with both medical and agricultural programs to conduct specified research on low-THC cannabis; authorizing the use of current state or privately obtained research funds to support such research; authorizing the department to submit a budget amendment request to use excess funds in the Biomedical Research Trust Fund to implement this act; providing an effective date.

—was read the first time by title and referred to the House Calendar.

On motion by Rep. Gaetz, the rules were waived and the bill was read the second time by title.

Representative Gaetz offered the following:

(Amendment Bar Code: 252453)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Compassionate Medical Cannabis Act of 2014."

Section 2. Section 381.986, Florida Statutes, is created to read:

381.986 Compassionate use of low-THC cannabis.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Dispensing organization" means an organization approved by the department to cultivate, process, and dispense low-THC cannabis pursuant to this section.

(b) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(c) "Medical use" means administration of the ordered amount of low-THC cannabis. The term does not include the possession, use, or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.

(d) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis from a dispensing organization.

(e) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—Effective January 1, 2015, a physician licensed under chapter 458 or chapter 459 who has examined and is treating a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms may order for the patient's medical use low-THC cannabis to treat such disease, disorder, or condition or to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for that patient and all of the following conditions apply:

(a) The patient is a permanent resident of this state.

(b) The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.

(c) The physician registers as the orderer of low-THC cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order. The physician shall deactivate the patient's registration when treatment is discontinued.

(d) The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis.

(e) The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients.

(f) The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or

2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) Any person who fraudulently represents that he or she has cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms to a physician for the purpose of being ordered low-THC cannabis by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis for use by a patient in this state, the appropriate board shall require the ordering physician licensed under chapter 458 or chapter 459 to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance. The first course and examination shall be presented by October 1, 2014, and shall be administered at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) Successful completion of this course and examination is required for every physician who orders low-THC cannabis each time such physician renews his or her license.

(c) Each licensee to whom this section applies shall submit confirmation of having completed such course and examination on a form provided by the board when submitting fees for every licensure renewal.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of four dispensing organizations, one in each of the following regions: northwest Florida, northeast Florida, central Florida, and south Florida, to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle.

6. That all owners, managers, and employees have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

(c) Monitor physician registration and ordering of low-THC cannabis for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis and take disciplinary action as indicated.

(d) Adopt rules necessary to implement this section.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization shall maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) at all times. Before dispensing low-THC cannabis to a qualified patient, the dispensing organization shall verify that the patient has an active registration in the compassionate use registry, the order presented matches the order contents as recorded in the registry, and the order has not already been filled. Upon dispensing the low-THC cannabis, the dispensing organization shall record in the registry the date, time, quantity, and form of low-THC cannabis dispensed.

(7) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis.

Section 3. Section 385.211, Florida Statutes, is created to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in s. 381.986.

(2) Notwithstanding chapter 893, medical centers recognized pursuant to s. 381.925 may conduct research on cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for recognized medical centers to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities described in this section.

Section 4. Section 385.212, Florida Statutes, is created to read:

385.212 Powers and duties of the Department of Health; Office of Compassionate Use.—

(1) The Department of Health shall establish an Office of Compassionate Use under the direction of the Deputy State Health Officer.

(2) The Office of Compassionate Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of Compassionate Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to compassionate use for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to compassionate use for Florida patients.

(3) The department may adopt rules necessary to implement this section.

Section 5. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant;

and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "low-THC cannabis," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

Section 6. Section 1004.441, Florida Statutes, is created to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in s. 381.986.

(2) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities authorized by this section.

Section 7. (1) As used in this section, the term "cannabidiol" means an extract from the cannabis plant that has less than 0.8 percent tetrahydrocannabinol and the chemical signature 2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol, or a derivative thereof, as determined by the International Union of Pure and Applied Chemistry.

(2) For the 2014-2015 fiscal year, $1 million in nonrecurring general revenue is appropriated to the Department of Health for the James and Esther King Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund. These funds shall be reserved for research of cannabidiol and its effect on intractable childhood epilepsy.

(3) Biomedical research funding for research of cannabidiol and its effect on intractable childhood epilepsy shall be awarded pursuant to s. 215.5602, Florida Statutes. An application for such funding may be submitted by any research university in the state that has obtained approval from the United States Food and Drug Administration for an exploratory investigational new drug study of cannabidiol and its effect on intractable childhood epilepsy. For purposes of this section, the Biomedical Research Advisory Council created under s. 215.5602, Florida Statutes, shall advise the State Surgeon General as to the direction and scope of research of cannabidiol and its effect on intractable childhood epilepsy and the award of research funding.

Section 8. This act shall take effect upon becoming a law.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to cannabis; providing a short title; creating s. 381.986, F.S.; defining terms; authorizing specified physicians to order low-THC cannabis for use by specified patients; providing conditions; prohibiting specified acts by physicians or persons seeking low-THC cannabis; providing criminal penalties; requiring physician education; providing duties of the Department of Health; requiring the department to create a compassionate use registry; providing requirements for the registry; requiring the department to authorize a specified number of dispensing organizations; authorizing rulemaking; providing requirements and duties for a dispensing organization; providing exceptions to specified laws; creating s. 385.211, F.S.; defining the term "low-THC cannabis"; authorizing certain medical centers to conduct research on cannabidiol and low-THC cannabis; authorizing state or privately obtained research funds to be used to support such research; creating s. 385.212, F.S.; requiring the department to establish an Office of Compassionate Use; authorizing the office to engage in specified activities; authorizing rulemaking; amending s. 893.02, F.S.; revising the term "cannabis" as used in the Florida Comprehensive Drug Abuse Prevention and Control Act and as applicable to certain criminal offenses proscribing the sale, manufacture, delivery, possession, dispensing, distribution, or purchase of cannabis, to which penalties apply; creating s. 1004.441, F.S.; defining the term "low-THC cannabis"; authorizing state universities with both medical and agricultural research programs to conduct specified research on cannabidiol and low-THC cannabis; authorizing state or privately obtained research funds to be used to support such research; providing an appropriation to the department for research of cannabidiol and its effect on intractable childhood epilepsy; specifying how biomedical research funding for research of cannabidiol and its effect on intractable childhood epilepsy shall be awarded; specifying who may apply for such funding; providing an effective date.

Rep. Gaetz moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Brodeur offered the following:

(Amendment Bar Code: 623707)

**Amendment 1 to Amendment 1**—Remove lines 108-154 and insert:

(b) The appropriate board shall require the medical director of each dispensing organization approved under subsection (5) to successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of four dispensing organizations, one in each of the following regions: northwest Florida, northeast Florida, central Florida, and south Florida, to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle.

6. That all owners, managers, and employees have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director who is a physician licensed under chapter 458 or chapter 459 to supervise the activities of the dispensing organization.

Rep. Brodeur moved the adoption of the amendment to the amendment, which was adopted.

Representative Caldwell offered the following:

(Amendment Bar Code: 248665)

**Amendment 2 to Amendment 1**—Remove lines 128-154 and insert:

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a $5 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

Rep. Caldwell moved the adoption of the amendment to the amendment, which was adopted.

Representative Harrell offered the following:

(Amendment Bar Code: 401099)

**Substitute Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Refractory and Intractable Epilepsy Relief Act."

Section 2. Findings and intent.—

(1) Patients, especially those with critical medical conditions, should have lawful access to participation in studies and clinical treatment plans approved by the United States Food and Drug Administration.

(2) In the case of purported medications claiming relief properties from extreme medical conditions, the use of expanded access referred to as "compassionate use," a process which is outlined by the United States Food and Drug Administration, should be encouraged.

(3) Compassionate use is often the only available treatment for patients with a serious disease or condition who have found no satisfactory alternative.

(4) Patients 18 years of age or younger who are diagnosed with refractory or intractable epilepsy are candidates for compassionate use.

(5) Participation in studies and clinical treatment plans approved by the United States Food and Drug Administration for the treatment of refractory or intractable epilepsy in pediatric patients by state universities with medical and agricultural research programs would enhance access to compassionate use for patients in this state and should be encouraged.

Section 3. Section 385.212, Florida Statutes, is created to read:

385.212 Powers and duties of the Department of Health; Office of Compassionate Use.—

(1) The Department of Health shall establish an Office of Compassionate Use under the direction of the Deputy State Health Officer.

(2) The Office of Compassionate Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of Compassionate Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to compassionate use for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to compassionate use for Florida patients.

(3) The department may adopt rules necessary to implement this section.

Section 4. Section 385.30, Florida Statutes, is created to read:

385.30 State university participation in approved studies and clinical treatment plans.—

(1) All state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, are encouraged to develop or participate in United States Food and Drug Administration-approved studies and clinical research treatment plans directed toward refractory or intractable epilepsy relief in pediatric patients as authorized by s. 1004.441.

(2) Each state university that is selected to participate in a United States Food and Drug Administration-approved study or clinical treatment plan described in subsection (1) may request from the Department of Health, notwithstanding any other related grants or appropriations, a grant of up to $100,000 annually.

(3) Each university must ensure that all physicians associated with the study or treatment plan participate in the refractory epilepsy relief registry described in s. 358.32.

(4) To be eligible for the annual grant, the participating medical college or medical school must submit a report to the Department of Health by January 1 of each year which contains, at a minimum:

(a) The gender and age of each patient participating in the study or clinical treatment plan during the calendar year;

(b) The names of participating physicians; and

(c) The level of seizure reduction in each participating patient during the calendar year.

(5) The grant award decisions of the Department of Health pursuant to this section are not subject to chapter 120.

Section 5. Section 385.31, Florida Statutes, is created to read:

385.31 Refractory epilepsy patient relief and eligibility.—Notwithstanding any provision of chapter 893, a patient deemed eligible for participation in an investigational new drug study or treatment plan that has been approved by the United States Food and Drug Administration may be prescribed all medications, including canabidiol, approved as part of such a study or treatment plan.

Section 6. Section 385.32, Florida Statutes, is created to read:

385.32 Refractory epilepsy relief registry.—

(1) The Department of Health shall create a refractory epilepsy relief registry for the registration of physicians and patients as provided under this section. The registry must prevent an active registration of a patient by multiple physicians.

(2) Each physician participating in an investigational new drug study or treatment plan approved by the United States Food and Drug Administration must submit the patient's name, age, and gender; specific indication for each prescription; date of diagnosis; treatment dosage; and date of prescription to the registry each month that the patient participates in a study or treatment plan for which he or she receives a medication that he or she would not have been eligible to receive but for s. 385.31.

(3) The department shall protect the confidentiality of all patients listed in the registry to the extent permitted by law. All records containing the identity of patients shall be confidential to the extent permitted by law and the department shall keep such records from public disclosure, other than for valid medical or law enforcement purposes, to the extent permitted by law.

Section 7. Section 456.601, Florida Statutes, is created to read:

456.601 Use of cannabidiol for refractory or intractable epilepsy; documentation.—A medical doctor licensed under chapter 458 or a doctor of osteopathic medicine licensed under chapter 459 who prescribes cannabidiol to a patient 18 years of age or younger for refractory or intractable epilepsy must provide written documentation affirming that the patient has been diagnosed with refractory or intractable epilepsy and may benefit from the medical use of cannabidiol.

Section 8. Section 1004.441, Florida Statutes, is created to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on cannabidiol. This research may include, but is not limited to, the agricultural development, production, manufacture, dispensing, clinical research, and use of liquid medical derivatives of cannabidiol for the treatment of refractory or intractable epilepsy.

(2) A state university that meets the criteria in s. 385.30 or s. 1004.441 that cultivates or delivers cannabidiol and any derivatives of cannabidiol shall adhere to rules adopted to assure the identity, strength, quality and purity of products and must be prepared according to applicable current good manufacturing practices in accordance with chapter 499 and 21 C.F.R. part 211.

(3) The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities authorized by this section.

(4) The department of health shall adopt rules to implement this section.

(5) This section expires June 30, 2016, unless reenacted by the Legislature before that date.

Section 9. This act shall take effect July 1, 2014.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to refractory and intractable epilepsy treatment and research; providing a short title; providing findings and intent; creating s. 385.212, F.S.; requiring the Department of Health to establish an Office of Compassionate Use; authorizing the office to engage in specified activities; authorizing rulemaking; creating s. 385.30, F.S.; authorizing certain medical centers to conduct research studies and clinical research treatment plans directed toward refractory or intractable epilepsy relief; authorizing state or privately obtained research funds to be used to support such research; creating s. 385.31, F.S.; providing that, notwithstanding chapter 893, F.S., patients deemed eligible for participation in United States Food and Drug Administration-approved investigational new drug studies or treatment plans may be prescribed all approved medications; creating s. 385.32, F.S.; requiring the department to create the refractory epilepsy relief registry; providing requirements for the registry; providing for confidentiality to the extent permitted by law; creating s. 456.601, F.S.; requiring physicians prescribing cannabidiol to certain patients to provide certain documentation; creating s. 1004.441, F.S.; authorizing state universities with both medical and agricultural research programs to conduct specified research on cannabidiol; requiring universities that cultivate or deliver cannabidiol to meet specified standards; authorizing state or privately obtained research funds to be used to support such research; providing for rulemaking; providing an effective date.

Representative Harrell offered the following:

(Amendment Bar Code: 676117)

**Amendment 1 to Substitute 1 (with title amendment)—**Remove lines 109-115

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**T I T L E A M E N D M E N T**

Remove lines 178-179 and insert:
requirements for the registry;

Rep. Harrell moved the adoption of the amendment to the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Substitute Amendment 1**, which failed of adoption.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Gaetz, the rules were waived and **CS for CS for SB 1030** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 864

Speaker Weatherford in the Chair.

Yeas—111

| | | | |
|---|---|---|---|
| Adkins | Edwards | Murphy | Rooney |
| Ahern | Eisnaugle | Nelson | Rouson |
| Albritton | Fitzenhagen | Nuñez | Santiago |
| Antone | Fresen | Oliva | Saunders |
| Artiles | Fullwood | O'Toole | Schenck |
| Berman | Gaetz | Pafford | Schwartz |
| Beshears | Gibbons | Passidomo | Slosberg |
| Boyd | Gonzalez | Patronis | Smith |
| Bracy | Goodson | Perry | Spano |
| Brodeur | Grant | Peters | Stafford |
| Broxson | Hager | Pigman | Stark |
| Caldwell | Hill | Pilon | Steube |
| Campbell | Holder | Porter | Stewart |
| Castor Dentel | Hooper | Powell | Stone |
| Clarke-Reed | Hudson | Pritchett | Taylor |
| Clelland | Hutson | Rader | Thurston |
| Coley | Ingram | Rangel | Torres |
| Combee | Jones, M. | Raschein | Van Zant |
| Corcoran | Jones, S. | Raulerson | Waldman |
| Crisafulli | Kerner | Ray | Watson, B. |
| Cruz | La Rosa | Reed | Watson, C. |
| Cummings | Lee | Rehwinkel Vasilinda | Weatherford |
| Danish | Magar | Renuart | Williams, A. |
| Davis | Mayfield | Richardson | Wood |
| Diaz, J. | McBurney | Roberson, K. | Workman |
| Diaz, M. | McGhee | Rodrigues, R. | Young |
| Dudley | McKeel | Rodríguez, J. | Zimmermann |
| Eagle | Moskowitz | Rogers | |

Nays—7

| | | | |
|---|---|---|---|
| Baxley | Harrell | Moraitis | Trujillo |
| Bileca | Metz | Tobia | |

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

**CS/HB 375** was taken up, having been temporarily postponed earlier today, with pending motion to adopt **House Amendment 6 (583385) to Senate Amendment 1 (481462)**. Subsequently, **House Amendment 6 to Senate Amendment 1** was withdrawn.

Representative Santiago offered the following:

(Amendment Bar Code: 647109)

**House Amendment 7 to Senate Amendment 1 (with title amendment)—**Between lines 521 and 522 of the amendment, insert:

Section 12. The board of governors of Citizens Property Insurance Corporation shall develop a plan to establish a mandatory sinkhole stabilization repair program to ensure the repair and remediation of sinkhole

damage to homes and shall submit such plan to the Financial Services Commission by December 1, 2014, for review, modification, and approval. Upon the commission's approval, the board shall implement the plan by March 31, 2015. All sinkhole claims filed after the implementation date shall be managed by the repair program created herein. Any sinkhole claims filed prior to the implementation date shall not be subject to a repair program unless voluntarily entered into by the insured and only if the repair program has been established and approved by the board of governors. Notwithstanding the implementation date of March 31, 2015, the program shall not commence or operate without a minimum of 12 repair contractors or vendors eligible to participate in the program. Any contractor or vendor that meets the qualifications set forth in the plan will be eligible to participate in the program. If the number of repair contractors or vendors eligible to participant in the program falls below 12, the mandatory program will be suspended until reviewed during the next the legislative session. Any plan proposed by Citizen's Property Insurance Corporation, and adopted by the Financial Services Commission, must provide that the corporation or the policyholder may invoke neutral evaluation by filing a request with the department pursuant to s. 627.7074(7).

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**T I T L E A M E N D M E N T**

Between lines 563 and 564 of the amendment, insert:
requiring the board of governors of the Citizens Property Insurance Corporation to develop a plan to establish a mandatory sinkhole stabilization repair program; providing program requirements and applicability;

Rep. Santiago moved the adoption of **House Amendment 7 to Senate Amendment 1**, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 276887)

**House Amendment 8 to Senate Amendment 1 (with title amendment)**—Between lines 123 and 124 of the amendment, insert:

Section 4. Paragraph (h) of subsection (5) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(5)

(h) Any premium or assessments collected by the plan in excess of the amount necessary to fund projected ultimate incurred losses and expenses of the plan and not paid to insureds of the plan in conjunction with loss prevention or dividend programs shall be retained by the plan for future use. Any state funds received by the plan in excess of the amount necessary to fund deficits in subplan D or any tier shall be returned to the state. Any dividend that cannot be paid to a former insured of the plan because the former insured cannot be reasonably located shall be retained by the plan for future use.

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**T I T L E A M E N D M E N T**

Remove line 542 of the amendment and insert:
validity of a policy or contract; amending s. 627.311, F.S.; requiring certain dividends to be retained by the joint underwriting plan for future use; amending s. 627.902,

Rep. Nelson moved the adoption of **House Amendment 8 to Senate Amendment 1,** which was adopted.

On motion by Rep. Santiago, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 375**. The vote was:

Session Vote Sequence: 865

Speaker Weatherford in the Chair.

Yeas—92

| | | | |
|---|---|---|---|
| Ahern | Eagle | McBurney | Roberson, K. |
| Albritton | Edwards | McKeel | Rodrigues, R. |
| Antone | Eisnaugle | Metz | Rooney |
| Baxley | Fitzenhagen | Moraitis | Rouson |
| Berman | Fresen | Nelson | Santiago |
| Beshears | Gaetz | Nuñez | Schenck |
| Bileca | Gibbons | Oliva | Smith |
| Boyd | Gonzalez | O'Toole | Spano |
| Brodeur | Goodson | Passidomo | Stark |
| Broxson | Grant | Patronis | Steube |
| Caldwell | Hager | Perry | Stewart |
| Castor Dentel | Harrell | Peters | Stone |
| Clarke-Reed | Hill | Pigman | Taylor |
| Coley | Holder | Pilon | Tobia |
| Combee | Hooper | Porter | Torres |
| Corcoran | Hudson | Powell | Van Zant |
| Crisafulli | Hutson | Pritchett | Waldman |
| Cummings | Ingram | Rader | Weatherford |
| Danish | Jones, M. | Raschein | Williams, A. |
| Davis | La Rosa | Raulerson | Wood |
| Diaz, J. | Lee | Ray | Workman |
| Diaz, M. | Magar | Rehwinkel Vasilinda | Young |
| Dudley | Mayfield | Renuart | Zimmermann |

Nays—22

| | | | |
|---|---|---|---|
| Artiles | Kerner | Reed | Stafford |
| Campbell | McGhee | Richardson | Trujillo |
| Clelland | Moskowitz | Rodríguez, J. | Watson, B. |
| Cruz | Murphy | Rogers | Watson, C. |
| Fullwood | Pafford | Saunders | |
| Jones, S. | Rangel | Schwartz | |

Votes after roll call:
Yeas—Bracy

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 1700, as amended, by the required Constitutional two-thirds vote of all members present and voting, and requests the concurrence of the House.

*Debbie Brown, Secretary*

By Senator Bean—

**SB 1700**—A bill to be entitled An act relating to public records; creating s. 456.61, F.S.; exempting from public records requirements personal identifying information of patients and physicians held by the Department of Health in the compassionate use registry; exempting information related to ordering and dispensing low-THC cannabis; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential; providing a criminal penalty; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the first time by title and referred to the Calendar of the House. On motion by Rep. Gaetz, the rules were waived and the bill was read the second time by title.

**Amendment 1** (976655) was temporarily postponed.

Representative Gaetz offered the following:

(Amendment Bar Code: 360685)

**Amendment 2 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 381.987, Florida Statutes, is created to read:

381.987 Public records exemption for personal identifying information in the compassionate use registry.—

(1) A patient's personal identifying information held by the department in the compassionate use registry established under s. 381.986, including, but not limited to, the patient's name, address, telephone number, and government-issued identification number, and all information pertaining to the physician's order for low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) A physician's identifying information held by the department in the compassionate use registry established under s. 381.986, including, but not limited to, the physician's name, address, telephone number, government-issued identification number, and Drug Enforcement Administration number, and all information pertaining to the physician's order for low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The department shall allow access to the registry, including access to confidential and exempt information, to:

(a) A law enforcement agency that is investigating a violation of law regarding cannabis in which the subject of the investigation claims an exception established under s. 381.986.

(b) A dispensing organization approved by the department pursuant to s. 381.986 which is attempting to verify the authenticity of a physician's order for low-THC cannabis, including whether the order had been previously filled and whether the order was written for the person attempting to have it filled.

(c) A physician who has written an order for low-THC cannabis for the purpose of monitoring the patient's use of such cannabis or for the purpose of determining, before issuing an order for low-THC cannabis, whether another physician has ordered the patient's use of low-THC cannabis. The physician may access the confidential and exempt information only for the patient for whom he or she has ordered or is determining whether to order the use of low-THC cannabis pursuant to s. 381.986.

(d) An employee of the department for the purposes of maintaining the registry and periodic reporting or disclosure of information that has been redacted to exclude personal identifying information.

(e) The department's relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a physician if he or she is involved in a specific investigation of a violation of s. 381.986. If a health care regulatory board's investigation reveals potential criminal activity, the board may provide any relevant information to the appropriate law enforcement agency.

(f) A person engaged in bona fide research if the person agrees:

1. To submit a research plan to the department which specifies the exact nature of the information requested and the intended use of the information;

2. To maintain the confidentiality of the records or information if personal identifying information is made available to the researcher;

3. To destroy any confidential and exempt records or information obtained after the research is concluded; and

4. Not to contact, directly or indirectly, for any purpose, a patient or physician whose information is in the registry.

(4) All information released from the registry under subsection (3) remains confidential and exempt, and a person who receives access to such information must maintain the confidential and exempt status of the information received.

(5) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that identifying information of patients and physicians held by the Department of Health in the compassionate use registry established under s. 381.986, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Specifically, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements the names, addresses, telephone numbers, and government-issued identification numbers of patients and physicians and any other information on or pertaining to a physician's order for low-THC cannabis written pursuant to s. 381.986, Florida Statutes, which are held in the registry. The choice made by a physician and his or her patient to use low-THC cannabis to treat that patient's medical condition or symptoms is a personal and private matter between those two parties. The availability of such information to the public could make the public aware of both the patient's use of low-THC cannabis and the patient's diseases or other medical conditions for which the patient is using low-THC cannabis. The knowledge of the patient's use of low-THC cannabis, the knowledge that the physician ordered the use of low-THC cannabis, and the knowledge of the patient's medical condition could be used to embarrass, humiliate, harass, or discriminate against the patient and the physician. This information could be used as a discriminatory tool by an employer who disapproves of the patient's use of low-THC cannabis or of the physician's ordering such use. However, despite the potential hazards of collecting such information, maintaining the compassionate use registry established under s. 381.986, Florida Statutes, is necessary to prevent the diversion and nonmedical use of any low-THC cannabis as well as to aid and improve research done on the efficacy of low-THC cannabis. Thus, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements the identifying information of patients and physicians held by the Department of Health in the compassionate use registry established under s. 381.986, Florida Statutes.

Section 3. This act shall take effect on the same date that SB 1030, or similar legislation establishing an electronic system to record a physician's orders for, and a patient's use of, low-THC cannabis takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public records; creating s. 381.987, F.S.; exempting from public records requirements personal identifying information of patients and physicians held by the Department of Health in the compassionate use registry; exempting information related to ordering and dispensing low-THC cannabis; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential; providing a criminal penalty; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

Rep. Gaetz moved the adoption of the amendment, which was adopted.

On motion by Rep. Gaetz, the rules were waived and **SB 1700** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 866

Speaker Weatherford in the Chair.

Yeas—112

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| Ahern | Diaz, J. | La Rosa | Rader |
| Albritton | Diaz, M. | Lee | Rangel |
| Antone | Dudley | Magar | Raschein |
| Baxley | Eagle | Mayfield | Raulerson |
| Berman | Edwards | McBurney | Ray |
| Beshears | Eisnaugle | McGhee | Reed |
| Bileca | Fitzenhagen | McKeel | Rehwinkel Vasilinda |
| Boyd | Fresen | Moraitis | Renuart |
| Bracy | Fullwood | Moskowitz | Richardson |
| Brodeur | Gaetz | Murphy | Roberson, K. |
| Broxson | Gibbons | Nelson | Rodrigues, R. |
| Caldwell | Gonzalez | Nuñez | Rodríguez, J. |
| Campbell | Goodson | Oliva | Rooney |
| Castor Dentel | Grant | O'Toole | Rouson |
| Clarke-Reed | Hager | Pafford | Santiago |
| Clelland | Hill | Passidomo | Saunders |
| Coley | Holder | Patronis | Schenck |
| Combee | Hooper | Perry | Schwartz |
| Corcoran | Hudson | Peters | Slosberg |
| Crisafulli | Hutson | Pigman | Smith |
| Cruz | Ingram | Pilon | Spano |
| Cummings | Jones, M. | Porter | Stafford |
| Danish | Jones, S. | Powell | Stark |
| Davis | Kerner | Pritchett | Steube |

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| Stewart | Torres | Watson, B. | Wood |
| Stone | Trujillo | Watson, C. | Workman |
| Taylor | Van Zant | Weatherford | Young |
| Thurston | Waldman | Williams, A. | Zimmermann |

Nays—2

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|---|---|
| Metz | Tobia |

Votes after roll call:
Yeas—Rogers

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

**CS for CS for CS for SB 846—**A bill to be entitled An act relating to governmental ethics; amending ss. 11.045 and 112.3215, F.S.; defining the term "local officer"; prohibiting a local officer from registering to lobby the Legislature or an agency on behalf of another person or entity other than his or her political subdivision; authorizing a local officer to be employed by or contracted with a lobbying firm under certain circumstances; providing for applicability; amending s. 28.35, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to members of the executive council of the Florida Clerks of Court Operations Corporation; amending s. 112.3142, F.S.; requiring elected municipal officers to participate in annual ethics training; providing legislative intent; amending s. 112.3144, F.S.; requiring an officer required to participate in annual ethics training to certify participation on his or her full and public disclosure of financial interests; revising the conditions under which a qualifying officer forwards a full and public disclosure of financial interests to the Commission on Ethics; authorizing the Commission on Ethics to initiate an investigation and hold a public hearing without receipt of a complaint in certain circumstances; requiring the commission to enter an order recommending removal of an officer or public employee from public office or public employment in certain circumstances; prohibiting the commission from taking action on a complaint alleging certain errors or omissions on a disclosure; providing that failure to certify completion of annual ethics training on a disclosure does not constitute an immaterial, inconsequential, or de minimis error or omission; amending s. 112.3145, F.S.; requiring an officer required to participate in annual ethics training to certify participation on his or her statement of financial interests; authorizing the Commission on Ethics to initiate an investigation and hold a public hearing without receipt of a complaint in certain circumstances; requiring the commission to enter an order to remove an officer or public employee from public office or public employment in certain circumstances; prohibiting the commission from taking action on a complaint alleging certain errors or omissions on a statement; providing that failure to certify completion of annual ethics training on a statement does not constitute an immaterial, inconsequential, or de minimis error or omission; amending s. 112.31455, F.S.; authorizing the Chief Financial Officer or governing body to withhold the entire amount of a fine owed and related administrative costs from salary-related payments of certain individuals; authorizing the Chief Financial Officer or governing body to reduce the amount withheld if an individual can demonstrate a hardship; creating s. 112.31456, F.S.; authorizing the commission to seek wage garnishment of certain individuals to satisfy unpaid fines; authorizing the commission to refer unpaid fines to a collection agency; establishing a statute of limitations with respect to the collection of an unpaid fine; creating s. 112.3251, F.S.; requiring citizen support and direct-support organizations to adopt a code of ethics; establishing minimum requirements for a code of ethics; creating s. 112.3261, F.S.; defining terms; prohibiting a person from lobbying a governmental entity until registering; establishing registration requirements; requiring public availability of lobbyist registrations; establishing procedures for termination of a lobbyist's registration; authorizing a governmental entity to establish a registration fee; requiring a governmental entity to monitor compliance with registration requirements; requiring the commission to investigate a lobbyist or principal upon receipt of a sworn complaint containing certain allegations; requiring the commission to provide the Governor with a report on the findings and recommendations resulting from the investigation; authorizing the Governor to enforce the commission's findings and recommendations; amending s. 286.012, F.S.; revising disclosure requirements with respect to a voting abstention at a meeting of a governmental body; authorizing a member to abstain from voting on a decision, ruling, or act in a quasi-judicial proceeding under certain circumstances; amending s. 288.901, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to the president, senior managers, and members of the board of directors of Enterprise Florida, Inc.; prohibiting the president, senior managers, and board members from representing a person or entity before the corporation for a specified timeframe; amending s. 288.92, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to certain officers and board members associated with the divisions of Enterprise Florida, Inc.; prohibiting such officers and members from representing a person or entity for compensation before Enterprise Florida, Inc., for a specified timeframe; amending s. 288.9604, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to the board of directors of the Florida Development Finance Corporation; amending s. 627.351, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to the executive director of Citizens Property Insurance Corporation; prohibiting a former executive director, senior manager, or member of the board of governors of the corporation from representing another person or entity before the corporation for a specified timeframe; prohibiting a former executive director, senior manager, or member of the board of governors from entering employment or a contractual relationship for a specified timeframe with certain insurers; amending ss. 11.0455 and 112.32155, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

The State Affairs Committee offered the following:

(Amendment Bar Code: 483745)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(1)

(b)1. The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of ~~more than~~ 1 million or more. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

2. Members of the executive council of the corporation are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of executive council members, members shall be considered public officers and the corporation shall be considered the members' agency.

Section 2. Section 112.3142, Florida Statutes, is amended to read:

112.3142 Ethics training for specified constitutional officers and elected municipal officers.—

(1) As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training each calendar year which ~~annually that~~ addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) Beginning January 1, 2015, all elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(c)~~(b)~~ The commission shall adopt rules establishing minimum course content for the portion of an ethics training class which ~~that~~ addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.

(d) The Legislature intends that a constitutional officer or elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

(3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

Section 3. Subsections (6) through (9) of section 112.3144, Florida Statutes, are renumbered as subsections (7) through (10), respectively, subsections (1) and (2), paragraph (g) of subsection (5), and paragraphs (a) and (c) of present subsection (7) are amended, and a new subsection (6) is added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. Additionally, beginning January 1, 2015, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. If an incumbent in an elective office has filed the full and public disclosure of financial interests to qualify for election to the same office or if ~~When~~ a candidate ~~has qualified~~ for office holds another office subject to the annual filing requirement, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure of financial interests has been filed pursuant to this section shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(5) Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution shall be created by the Commission on Ethics. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(g) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (7) ~~(6)~~.

(6) If a person holding public office or public employment fails or refuses to file a full and public disclosure of financial interests for any year in which the person received notice from the commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, regardless of whether the fine imposed was paid or collected, the commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a full and public disclosure of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

(8)~~(7)~~(a) The commission shall treat an amended full and public disclosure of financial interests which ~~that~~ is filed before ~~prior to~~ September 1 of the ~~current~~ year in which the disclosure is due as the original filing, regardless of whether a complaint has been filed. ~~If a complaint pertaining to the current year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any information required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However,~~ If a complaint ~~filed after August 25~~ alleges only an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint~~,~~ other than notifying the filer of the complaint. The filer must be given 30 days to file an amended full and public disclosure of financial interests correcting any errors. If the filer does not file an amended full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

Section 4. Subsections (4) through (11) of section 112.3145, Florida Statutes, are renumbered as subsections (5) through (12), respectively, paragraphs (a) and (c) of present subsection (9) are amended, paragraph (c) is added to present subsection (7), and a new subsection (4) is added to that section, to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(4) Beginning January 1, 2015, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her statement of financial interests that he or she has completed the required training.

(8)~~(7)~~

(c) If a person holding public office or public employment fails or refuses to file an annual statement of financial interests for any year in which the person received notice from the commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, regardless of whether the fine imposed was paid or collected, the commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a statement of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

(10)~~(9)~~(a) The commission shall treat an amended annual statement of financial interests which ~~that~~ is filed before ~~prior to~~ September 1 of the ~~current~~ year in which the statement is due as the original filing, regardless of whether a complaint has been filed. ~~If a complaint pertaining to the current~~

~~year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any information required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However,~~ If a complaint ~~filed after August 25~~ alleges only an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint~~,~~ other than notifying the filer of the complaint. The filer must be given 30 days to file an amended statement of financial interests correcting any errors. If the filer does not file an amended statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

Section 5. Section 112.3251, Florida Statutes, is created to read:

112.3251 Citizen support and direct-support organizations; standards of conduct.—A citizen support or direct-support organization created or authorized pursuant to law must adopt its own ethics code. The ethics code must contain the standards of conduct and disclosures required under ss. 112.313 and 112.3143(2), respectively. However, an ethics code adopted pursuant to this section is not required to contain the standards of conduct specified in s. 112.313(3) or (7). The citizen support or direct-support organization may adopt additional or more stringent standards of conduct and disclosure requirements if those standards of conduct and disclosure requirements do not otherwise conflict with this part. The ethics code must be conspicuously posted on the citizen support or direct-support organization's website.

Section 6. Section 112.3261, Florida Statutes, is created to read:

112.3261 Lobbying before water management districts; registration and reporting.—

(1) As used in this section, the term:

(a) "District" means a water management district created in s. 373.069 and operating under the authority of chapter 373.

(b) "Lobbies" means seeking, on behalf of another person, to influence a district with respect to a decision of the district in an area of policy or procurement or an attempt to obtain the goodwill of a district official or employee.

(c) "Lobbyist" has the same meaning as provided in s. 112.3215.

(d) "Principal" has the same meaning as provided in s. 112.3215.

(2) A person may not lobby a district until such person has registered as a lobbyist with that district. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar-year basis thereafter. Upon registration, the person shall provide a statement signed by the principal or principal's representative stating that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the district. Any changes to the information required by this section must be disclosed within 15 days by filing a new registration form. The registration form shall require each lobbyist to disclose, under oath, the following:

(a) The lobbyist's name and business address.

(b) The name and business address of each principal represented.

(c) The existence of any direct or indirect business association, partnership, or financial relationship with any officer or employee of a district with which he or she lobbies or intends to lobby.

(d) In lieu of creating its own lobbyist registration forms, a district may accept a completed legislative branch or executive branch lobbyist registration form.

(3) A district shall make lobbyist registrations available to the public. If a district maintains a website, a database of currently registered lobbyists and principals must be available on the district's website.

(4) A lobbyist shall promptly send a written statement to the district cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A district may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the district that a person is no longer authorized to represent that principal.

(5) A district may establish an annual lobbyist registration fee, not to exceed $40, for each principal represented. The district may use registration fees only to administer this section.

(6) A district shall be diligent to ascertain whether persons required to register pursuant to this section have complied. A district may not knowingly authorize a person who is not registered pursuant to this section to lobby the district.

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration required under this section, the commission shall investigate a lobbyist or principal pursuant to the procedures established under s. 112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection. The Governor is authorized to enforce the commission's findings and recommendations.

Section 7. Section 286.012, Florida Statutes, is amended to read:

286.012 Voting requirement at meetings of governmental bodies.—A ~~No~~ member of a ~~any~~ state, county, or municipal governmental board, commission, or agency who is present at a ~~any~~ meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless ~~except when~~, with respect to any such member, there is, or appears to be, a possible conflict of interest under ~~the provisions of~~ s. 112.311, s. 112.313, ~~or~~ s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice ~~In such cases, said member shall comply with the disclosure requirements of s. 112.3143~~.

Section 8. Paragraph (c) of subsection (1) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(1) CREATION.—

(c) The president, senior managers, and members of the board of directors of Enterprise Florida, Inc., are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of the president, senior managers, and members of the board of directors, those persons shall be considered public officers or employees and the corporation shall be considered their agency. ~~The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, 112.3143(2), and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees.~~ The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

Section 9. Paragraph (b) of subsection (2) of section 288.92, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection, to read:

288.92 Divisions of Enterprise Florida, Inc.—

(2)

(b)1. The following officers and board members are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2):

a. Officers and members of the board of directors of the divisions of Enterprise Florida, Inc.

b. Officers and members of the board of directors of subsidiaries of Enterprise Florida, Inc.

c. Officers and members of the board of directors of corporations created to carry out the missions of Enterprise Florida, Inc.

d. Officers and members of the board of directors of corporations with which a division is required by law to contract to carry out its missions.

2. For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of the officers and members of the board of directors specified in subparagraph 1., those persons shall be considered public officers or employees and the corporation shall be considered their agency.

Section 10. Paragraph (a) of subsection (3) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(3)(a)1. A director may not ~~shall~~ receive ~~no~~ compensation for his or her services, but is entitled to ~~the~~ necessary expenses, including travel expenses, incurred in the discharge of his or her duties. Each director shall hold office until his or her successor has been appointed.

2. Directors are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of directors, directors shall be considered public officers and the corporation shall be considered their agency.

Section 11. Paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct the background checks pursuant to ss. 624.34, 624.404(3), and 628.261.

2. On or before July 1 of each year, employees of the corporation must sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees must sign and submit to the corporation a conflict-of-interest statement.

3. The executive director, senior managers, and members of the board of governors are subject to part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying part III of chapter 112 to activities of the executive director, senior managers, and members of the board of governors, those persons shall be considered public officers or employees and the corporation shall be considered their agency. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each existing and newly appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148, ~~or~~ s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, which has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member who fails to comply with subparagraph 3. or this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. The executive director, members of the board of governors, and ~~Any~~ senior managers ~~manager~~ of the corporation are ~~who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is~~ prohibited from having any employment or contractual relationship for 2 years after retirement from or termination of service to the corporation with an insurer that has entered into a take-out bonus agreement with the corporation.

Section 12. This act shall take effect July 1, 2014.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to governmental ethics; amending s. 28.35, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to members of the executive council of the Florida Clerks of Court Operations Corporation; amending s. 112.3142, F.S.; requiring elected municipal officers to participate in annual ethics training; providing legislative intent; amending s. 112.3144, F.S.; requiring an officer required to participate in annual ethics training to certify participation on his or her full and public disclosure of financial interests; revising the conditions under which a qualifying officer forwards a full and public disclosure of financial interests to the Commission on Ethics; requiring the Commission on Ethics to initiate an investigation and hold a public hearing without receipt of a complaint in certain circumstances; requiring the commission to enter an order recommending removal of an officer or public employee from public office or public employment in certain circumstances; prohibiting the commission from taking action on a complaint alleging certain errors or omissions on a disclosure; providing that failure to certify completion of annual ethics training on a disclosure does not constitute an immaterial, inconsequential, or de minimis error or omission; amending s. 112.3145, F.S.; requiring an officer required to participate in annual ethics training to certify participation on his or her statement of financial interests; requiring the Commission on Ethics to initiate an investigation and hold a public hearing without receipt of a complaint in certain circumstances; requiring the commission to enter an order to remove an officer or public employee from public office or public employment in certain circumstances; prohibiting the commission from taking action on a complaint alleging certain errors or omissions on a statement; providing that failure to certify completion of annual ethics training on a statement does not constitute an immaterial, inconsequential, or de minimis error or omission; creating s. 112.3251, F.S.; requiring citizen support and direct-support organizations to adopt a code of ethics; establishing minimum requirements for a code of ethics; creating s. 112.3261, F.S.; defining terms; prohibiting a person from lobbying a water management district before registering; establishing registration requirements; requiring public availability of lobbyist registrations; establishing procedures for termination of a lobbyist's registration; authorizing a water management district to establish a registration fee; requiring a water management district to monitor compliance with registration requirements; requiring the commission to investigate a lobbyist or principal upon receipt of a sworn complaint containing certain allegations; requiring the commission to provide the Governor with a report on the findings and recommendations resulting from the investigation; authorizing the

Governor to enforce the commission's findings and recommendations; amending s. 286.012, F.S.; revising disclosure requirements with respect to a voting abstention at a meeting of a governmental body; authorizing a member to abstain from voting on a decision, ruling, or act in a quasi-judicial proceeding under certain circumstances; amending s. 288.901, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to the president, senior managers, and members of the board of directors of Enterprise Florida, Inc.; amending ss. 288.92 and 288.9604, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to certain officers and board members associated with the divisions of Enterprise Florida, Inc., and to the board of directors of the Florida Development Finance Corporation, respectively; amending s. 627.351, F.S.; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to the executive director of Citizens Property Insurance Corporation; prohibiting a former executive director, senior manager, or member of the board of governors from entering employment or a contractual relationship for a specified timeframe with certain insurers; providing an effective date.

Representative Pilon offered the following:

(Amendment Bar Code: 239917)

**Amendment 1 to Amendment 1 (with title amendment)**—Remove lines 255-311 and insert:
obtain the goodwill of a district official or employee. The term "lobbies" shall be interpreted and applied consistently with the rules of the commission implementing s. 112.3215.

(c) "Lobbyist" has the same meaning as provided in s. 112.3215.

(d) "Principal" has the same meaning as provided in s. 112.3215.

(2) A person may not lobby a district until such person has registered as a lobbyist with that district. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar-year basis thereafter. Upon registration, the person shall provide a statement signed by the principal or principal's representative stating that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the district. Any changes to the information required by this section must be disclosed within 15 days by filing a new registration form. The registration form shall require each lobbyist to disclose, under oath, the following:

(a) The lobbyist's name and business address.

(b) The name and business address of each principal represented.

(c) The existence of any direct or indirect business association, partnership, or financial relationship with any officer or employee of a district with which he or she lobbies or intends to lobby.

(d) In lieu of creating its own lobbyist registration forms, a district may accept a completed legislative branch or executive branch lobbyist registration form.

(3) A district shall make lobbyist registrations available to the public. If a district maintains a website, a database of currently registered lobbyists and principals must be available on the district's website.

(4) A lobbyist shall promptly send a written statement to the district cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A district may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the district that a person is no longer authorized to represent that principal.

(5) A district may establish an annual lobbyist registration fee, not to exceed $40, for each principal represented. The district may use registration fees only to administer this section.

(6) A district shall be diligent to ascertain whether persons required to register pursuant to this section have complied. A district may not knowingly authorize a person who is not registered pursuant to this section to lobby the district.

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration required under this section, the commission shall investigate a lobbyist or principal pursuant to the procedures established under s. 112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection. The Governor is authorized to enforce the commission's findings and recommendations.

(8) Water management districts may adopt rules to establish procedures to govern the registration of lobbyists, including the adoption of forms and the establishment of a lobbyist registration fee.

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**T I T L E A M E N D M E N T**

Remove line 540 and insert:
commission's findings and recommendations; authorizing water management districts to adopt rules governing lobbyist registration and fees; amending s.

Rep. Pilon moved the adoption of the amendment to the amendment, which was adopted.

Representative Patronis offered the following:

(Amendment Bar Code: 811585)

**Amendment 2 to Amendment 1** —Between lines 386 and 387, insert:

3. It is not a violation of s. 112.3143(2) or 112.3143(4) for the officers or members of the board of directors of the Florida Tourism Industry Marketing Corporation to:

a. Vote on the 4-year marketing plan required under s. 288.923 or vote on any individual component of or amendment to the plan.

b. Participate in the establishment or calculation of payments related to the private match requirements of s. 288.904(3). The officer or member must file an annual disclosure describing the nature of his or her interests or the interests of his or her principals, including corporate parents and subsidiaries of his or her principal, in the private match requirements. This annual disclosure requirement satisfies the disclosure requirement of s. 112.3143(4). This disclosure must be placed either on the Florida Tourism Industry Marketing Corporation's website or included in the minutes of each meeting of the Florida Tourism Industry Marketing Corporation's board of directors at which the private match requirements are discussed or voted upon.

Rep. Patronis moved the adoption of the amendment to the amendment, which was adopted.

Representative Nuñez offered the following:

(Amendment Bar Code: 904301)

**Amendment 3 to Amendment 1 (with title amendment)**—Between lines 400 and 401, insert:

Section 11. Subsection (5) is added to section 348.0003, Florida Statutes, to read:

348.0003 Expressway authority; formation; membership.—

(5) In a county as defined in s. 125.011(1):

(a) A lobbyist, as defined in s. 112.3215, may not be appointed or serve as a member of an authority.

(b) A member or the executive director of an authority may not:

1. Personally represent another person or entity for compensation before the authority for a period of 2 years after vacation of his or her position.

2. After retirement or termination, have an employment or contractual relationship with a business entity other than an agency, as defined in s. 112.312, in connection with a contract in which the member or executive director personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or employee of the authority.

(c) The authority's general counsel shall serve as the authority's ethics officer.

(d) Authority board members, employees, and consultants who hold positions that may influence authority decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out

authority business. To prevent such conflicts of interest and preserve the integrity and transparency of the authority to the public, the following disclosures must be made annually on a disclosure form:

1. Any relationship that a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant, or to a relative or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest. As used in this subsection, the term "relative" has the same meaning as provided in s. 112.312.

2. Whether a relative of such board member, employee, or consultant is a registered lobbyist and, if so, the names of such lobbyist's clients. Such names shall be provided in writing to the ethics officer.

3. Any and all interests in real property that such board member, employee, or consultant has, or that an immediate family member of such board member, employee, or consultant has, if such real property is located in, or within a 1/2-mile radius of, any actual or prospective authority roadway project. The executive director shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all board members, employees, and consultants.

(e) The disclosure forms filed as required under paragraph (d) must be reviewed by the ethics officer or, if a form is filed by the general counsel, by the executive director.

(f) The conflict of interest process shall be outlined in the authority's code of ethics.

(g) Authority employees and consultants are prohibited from serving on the governing body of the authority while employed by or under contract with the authority.

(h) The code of ethics policy shall be reviewed and updated by the ethics officer and presented for board approval at least once every 2 years.

(i) Employees shall be adequately informed and trained on the code of ethics and shall continually participate in ongoing ethics education.

(j) The requirements of paragraphs (b)-(i) are in addition to requirements that the members and the executive director of the authority are required to follow under chapter 112.

(k) Violations of paragraphs (b), (d), and (g) are punishable in accordance with s. 112.317.

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**T I T L E A M E N D M E N T**

Remove line 557 and insert:

Corporation, respectively; amending s. 348.0003, F.S.; prohibiting a lobbyist from serving as a member of an expressway authority; providing certain lobbying restrictions for members or the executive director of an authority; providing that the authority's general counsel is the authority's ethics officer; providing certain lobbying restrictions for authority board members, employees, and consultants; requiring disclosure of certain relationships or ownership of real estate relating to conflicts of interest; providing procedures for reporting such relationships or ownership; providing that authority employees and consultants are prohibited from serving on the governing body of the authority; requiring the authority to update its code of ethics policy and present such policy for board approval at least once every two years; requiring the authority to providing certain training; providing applicability; providing that certain violations are punishable as provided in the Code of Ethics; amending s. 627.351, F.S.;

Rep. Nuñez moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the passage of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Passidomo, the rules were waived and **CS for CS for CS SB 846** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 867

Speaker Weatherford in the Chair.

Yeas—118

| | | | |
|---|---|---|---|
| Adkins | Eisnaugle | Moskowitz | Rouson |
| Ahern | Fitzenhagen | Murphy | Santiago |
| Albritton | Fresen | Nelson | Saunders |
| Antone | Fullwood | Nuñez | Schenck |
| Artiles | Gaetz | Oliva | Schwartz |
| Baxley | Gibbons | O'Toole | Slosberg |
| Berman | Gonzalez | Pafford | Smith |
| Beshears | Goodson | Passidomo | Spano |
| Bileca | Grant | Patronis | Stafford |
| Boyd | Hager | Perry | Stark |
| Bracy | Harrell | Peters | Steube |
| Brodeur | Hill | Pigman | Stewart |
| Broxson | Holder | Pilon | Stone |
| Caldwell | Hood | Porter | Taylor |
| Campbell | Hooper | Powell | Thurston |
| Castor Dentel | Hudson | Pritchett | Tobia |
| Clarke-Reed | Hutson | Rader | Torres |
| Clelland | Ingram | Rangel | Trujillo |
| Coley | Jones, M. | Raschein | Van Zant |
| Combee | Jones, S. | Raulerson | Waldman |
| Corcoran | Kerner | Ray | Watson, B. |
| Crisafulli | La Rosa | Reed | Watson, C. |
| Cruz | Lee | Rehwinkel Vasilinda | Weatherford |
| Cummings | Magar | Renuart | Williams, A. |
| Danish | Mayfield | Richardson | Wood |
| Davis | McBurney | Roberson, K. | Workman |
| Diaz, J. | McGhee | Rodrigues, R. | Young |
| Diaz, M. | McKeel | Rodríguez, J. | Zimmermann |
| Dudley | Metz | Rogers | |
| Eagle | Moraitis | Rooney | |

Nays—None

Votes after roll call:
Yeas—Edwards

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

### Moments of Silence

At the request of Rep. Dudley, the House observed a moment of silence in memory of Paula Witthaus, community activist.

At the request of Rep. Hill, the House observed a moment of silence in memory of the fatalities and injuries sustained at Escambia County Jail due to storms in the Panhandle.

### Motion to Adjourn

Rep. Crisafulli moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, May 2, 2014, or upon call of the Chair. The motion was agreed to.

## Messages from the Senate

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 517.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 773.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 775, by the required Constitutional two-thirds vote of all members present and voting.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 811.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 953.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 979.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1385.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 1, 2, and 3 and passed CS for SB 86, as amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for SB 230, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed SB 320, as amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed SB 356, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has as concurred in House Amendment 1 and passed CS for CS for CS for SB 542, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for SB 674, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for SB 820, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for SB 864, as amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for SB 1036, as further amended.

*Debbie Brown, Secretary*

*The Honorable Will Weatherford, Speaker*

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 2, 3, 4, 5, and 7 and passed CS for CS for SB 1672, as further amended.

*Debbie Brown, Secretary*

**Votes After Roll Call**

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Campbell:

Yeas—April 30: 833, 834, 835

Rep. Holder:

Yeas—April 30: 817

Rep. McKeel:

Yeas—April 25: 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 752, 753, 754, 755, 756, 757, 758, 759

Nays—April 25: 740, 751

Rep. Patronis:

Yeas—April 28: 793

Rep. Powell:

Yeas to Nays—April 25: 768

Rep. Tobia:

Yeas—April 30: 829

### First-named Sponsors

CS/HB 491—Gonzalez

CS/HB 745—M. Diaz

CS/CS/CS/HB 1059—Campbell

### Cosponsors

CS/CS/CS/HB 41—Combee, Lee

CS/HB 139—Hutson

CS/CS/CS/HB 753—Baxley, Mayfield

CS/CS/HB 755—Campbell, Pritchett, Rangel, Torres

### Excused

Reps. Hood, Raburn

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:35 p.m., to reconvene at 10:00 a.m., Friday, May 2, 2014, or upon call of the Chair.

# CHAMBER ACTIONS ON BILLS

## Thursday, May 1, 2014

CS/CS/HB 53 — CS passed as amended; YEAS 116, NAYS 1; Amendment 974650 Concur

HB 97 — Amendment 745158 Concur; Passed as amended; YEAS 118, NAYS 0

CS for CS for SB 224 — 05/01/14 S Amendment(s) to House amendment(s) adopted (660022); 05/01/14 S Concurred in House amendment(s) as amended

SB 320 — Read 1st time; Read 2nd time; Amendment 595839 adopted; Read 3rd time; Passed as amended; YEAS 117, NAYS 1

CS/HB 375 — Amendment 309029 adopted; Amendment 974455 adopted; Amendment 590123 adopted; Amendment 260943 adopted; Amendment 035385 adopted; Amendment 276887 adopted; Amendment 647109 adopted; Concurred in Senate amendment 481462 as amended; CS passed as amended; YEAS 92, NAYS 22

CS/CS/HB 409 — CS passed as amended; YEAS 117, NAYS 0; Amendment 604926 Concur

HB 427 — Amendment 751182 Concur; Passed as amended; YEAS 74, NAYS 37

CS/CS/HB 629 — Amendment 592038 Concur; Amendment 882116 Concur; CS passed as amended; YEAS 113, NAYS 3

CS/CS/HB 755 — CS passed as amended; YEAS 79, NAYS 37; Amendment 571527 Failed; Amendment 517221 adopted; Concurred in Senate amendment 202426 as amended; Amendment 535776 Concur

CS for CS for CS for SB 846 — Read 2nd time; Amendment 239917 adopted; Amendment 811585 adopted; Amendment 904301 adopted; Amendment 483745 adopted as amended; Read 3rd time; CS passed as amended; YEAS 118, NAYS 0

CS for CS for SB 1012 — 05/01/14 S Amendment(s) to House amendment(s) adopted (961708); 05/01/14 S Concurred in House amendment(s) as amended

CS for CS for SB 1030 — Read 1st time; Read 2nd time; Amendment 623707 adopted; Amendment 248665 adopted; Amendment 676117 Failed; Amendment 401099 Failed; Amendment 252453 adopted as amended; Read 3rd time; CS passed as amended; YEAS 111, NAYS 7

CS/SM 1174 — Read 1st time; Read 2nd time; CS adopted

SB 1700 — Read 1st time; Referred to Calendar; Read 2nd time; Amendment 360685 adopted; Read 3rd time; Passed as amended; YEAS 112, NAYS 2

HB 7031 — Amendment 588260 Concur; Passed as amended; YEAS 115, NAYS 0

# JOURNAL OF THE HOUSE OF REPRESENTATIVES

## DAILY INDICES FOR

## May 1, 2014

## NUMERIC INDEX



## SUBJECT INDEX